

# FABIAN

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CLARENCE MUMFORD,

Defendant.

) (UNDER SEAL)

) Cr. No. 12-20173 An

) 18 U.S.C. § 2

) 18 U.S.C. § 371

) 18 U.S.C. § 1028(a)(1)

) 18 U.S.C. § 1028(a)(2)

) 18 U.S.C. § 1028(a)(5)

) 18 U.S.C. § 1028(a)(7)

) 18 U.S.C. § 1028A(a)(1)

) 18 U.S.C. § 1341

) 18 U.S.C. § 1343

) 42 U.S.C. § 408(a)(7)(B)

## INDICTMENT

### THE GRAND JURY CHARGES:

#### INTRODUCTION

1. At all times material herein:

a. Educational Testing Service ("ETS") was a private nonprofit educational testing and assessment organization with headquarters in Princeton, New Jersey. One series of tests written and administered by ETS was the PRAXIS series, components of which are required by many states for individuals entering the teaching profession or for teachers obtaining subject-specific endorsements on their teaching licenses.

b. Arkansas, Mississippi and Tennessee were among the states that required individuals entering the teaching profession and teachers obtaining subject-specific endorsements on their teaching licenses to take and pass PRAXIS examinations.

c. In Arkansas, other than certain out-of-state teachers obtaining reciprocal licenses, participants in a temporary non-traditional licensure program, and professionals teaching a limited number of classes per day, teachers were required to take and pass PRAXIS examinations to be licensed.

d. In Mississippi, other than certain out-of-state teachers obtaining reciprocal licenses, teachers were required to take and pass PRAXIS examinations to be licensed. In the past, Mississippi has issued temporary transitional/emergency licenses that did not require passage of PRAXIS examinations.

e. In Tennessee, other than teachers who obtained their licenses prior to 1984, certain out-of-state teachers obtaining reciprocal licenses, and teachers using transitional licenses, teachers were required to take and pass PRAXIS examinations to be licensed.

f. ETS charged fees to individuals who took the PRAXIS examinations. The results of the examination were relied upon by the Departments of Education in Arkansas, Mississippi and Tennessee for the issuance of licenses.

g. Because Tennessee and Mississippi required an individual's social security number to process educator certification paperwork, individuals taking PRAXIS examinations were required to provide their social security numbers to ETS as part of the PRAXIS registration process. Because Arkansas required the last four digits of an individual's social security number to process educator certification paperwork, individuals taking PRAXIS examinations were required to provide the last four digits of their social security numbers to ETS as part of the PRAXIS registration process.

h. ETS owned copyrights in the PRAXIS examinations and questions, and the registered trademark, "PRAXIS," as used on the examinations and score reports. ETS also developed specialized test administration and scoring services for the PRAXIS examinations. To keep its PRAXIS product exclusive, secure and confidential, ETS restricted access to and use of its copyrighted PRAXIS examinations and questions and trademarked PRAXIS score reports, as well as its PRAXIS test administration and

scoring services.

i. Individuals taking the PRAXIS examination tests registered for the tests online. The registration process therefore involved wire communications from the computers at which registrants registered with ETS in Princeton, New Jersey.

j. Individuals taking the PRAXIS examination tests signed confidentiality statements certifying that the person taking the test was the person whose name and address was used in the application process. In addition, those taking the test agreed to maintain the full confidentiality of all test questions and agreed not to reproduce and/or disclose any test question to anyone. Individuals unwilling to agree to these conditions would not be permitted to take an examination. Each individual taking a PRAXIS was also required to present his or her driver's license at the test-taking center.

k. Once an exam was completed, exam results were wired from the test location in Arkansas, Mississippi or Tennessee to ETS in Princeton, New Jersey for processing. The individuals in whose name the exams were registered obtained their scores either via a score report mailed to them by ETS or via interstate wire communication through use of the internet.

l. ETS developed substantial goodwill from development and administration of the PRAXIS examinations, some of which was based on the integrity of the testing processes. ETS had property interests in the PRAXIS product, including (i) materials bearing its trademarks, such as the PRAXIS examinations and score reports, (ii) its copyrighted materials, such as the PRAXIS examinations and their questions, and (iii) the ETS-specified test administration and scoring services for the PRAXIS examinations. ETS also had property interests in the value of its goodwill, which is an asset of ETS and is based, in part, on maintaining the integrity of the testing and security process.

m. Tennessee teachers' licenses, issued by the Tennessee Department of Education, provided licensees with access to substantial economic benefits. In addition to their salaries, Tennessee teachers obtained coverage under the Tennessee Consolidated Retirement System, which provided retirement, disability and survivor benefits.

n. Arkansas teachers' licenses, issued by the Arkansas Department of Education, provided licensees with access to substantial economic benefits. In addition to their salaries, Arkansas teachers obtained coverage under the Arkansas Teacher Retirement System, which provided retirement, age and service, disability, survivor and purchasing service credit benefits.

o. Mississippi teachers' licenses, issued by the Mississippi Department of Education, provided licensees with access to substantial economic benefits. In addition to their salaries, Mississippi teachers obtained coverage under the Public Employees' Retirement System of Mississippi, which provides retirement, disability, and survivor benefits.

p. Possession of a teacher's license enabled licensees to contract with school districts. The school districts' contracts had economic value to the contracting districts and to the teachers who contracted with them.

**COUNT 1**

**THE CONSPIRACY**

2. Beginning in or about January 1995, the exact date being unknown to the Grand Jury, and continuing until at least on or about March 13, 2010, in the Western District of Tennessee, and elsewhere, the defendant,

----- CLARENCE MUMFORD -----



did unlawfully, willfully and knowingly combine, conspire, confederate and agree with Memphis City Schools employees and/or former employees hereinafter identified as "JB", "FK", "CS" and "SS", and with other persons known and unknown to the Grand Jury to commit offenses against the United States, that is:

- a. To use and cause to be used the United States mail in furtherance of a scheme and artifice to defraud and for obtaining money and property by means of false and fraudulent pretenses, representations and promises, in violation of Title 18, United States Code, Section 1341;
- b. To use and cause to be used interstate wire communications in furtherance of a scheme and artifice to defraud and for obtaining money or property by means of false or fraudulent pretenses, representations and promises, in violation of Title 18, United States Code, Section 1343;
- c. Producing an identification document, authentication feature, or false identification document without lawful authority, in violation of Title 18, United States Code, Section 1028(a)(1);
- d. Transferring an identification document, authentication feature, or a false identification document knowing that the document or feature was produced without lawful authority, in violation of Title 18, United States Code, Section 1028(a)(2);
- e. Producing, transferring or possessing a document-making implement or authentication feature with the intent such document-making implement or authentication feature will be used in the production of a false identification document, in violation of Title 18, United States Code, Section 1028(a)(5);
- f. Transferring, possessing or using, without lawful authority, a means of identification of another person with the intent to commit, or to aid or abet, or in

connection with, any unlawful activity that constitutes a violation of Federal law, or that constitutes a felony under any applicable State or local law; in violation of Title 18, United States Code, Section 1028(a)(7);

g. During and in relation to the commission of violations of Title 18, United States Code, Sections 1341, 1343, 1028(a)(1), 1028(a)(2) and 1028(a)(5); knowingly transferring, possessing, and using, without lawful authority, a means of identification of another person, in violation of Title 18, United States Code, Section 1028A(a)(1); and

h. Falsely representing a Social Security number to be assigned to a person other than the person to whom the number is truly assigned, with intent to deceive, for the purpose of obtaining any payment or any other purpose, in violation of Title 42, United States Code, Section 408(a)(7)(B).

#### **OBJECTS OF THE CONSPIRACY**

3. The objects of the conspiracy are set forth as follows:

a. It was an object of the conspiracy to defraud ETS of property by obtaining access to and use of ETS's trademarked materials, copyrighted materials and services, by obtaining ETS's official score report, and by obtaining the benefit of, and undermining, ETS's goodwill and the value of its trademark and copyright.

b. It was an object of the conspiracy to defraud the Arkansas, Mississippi and Tennessee Departments of Education of licensing materials by falsely representing to the said Departments of Education that teachers and aspiring teachers seeking licenses and endorsements on teaching licenses had, in fact, passed required PRAXIS examinations when, as **DEFENDANT MUMFORD** then well knew, the teachers and aspiring teachers had not passed the required examinations.

c. It was an object of the conspiracy to defraud local school districts in Arkansas,

Mississippi and Tennessee by falsely representing to the school districts that teachers using **DEFENDANT MUMFORD'S** services had passed PRAXIS examinations and were properly licensed and thereby causing school districts to enter into contractual relationships with individuals who had not, in fact, passed PRAXIS examinations and were not, in fact, properly licensed.

d. It was an object of the conspiracy to produce false identification documents without lawful authority; and to transfer identification documents, authentication features and false identification documents knowing they were produced without lawful authority; and to transfer and possess authentication features knowing they would be used in production of a false identification document; and to transfer, possess and use means of identification of other persons, knowingly and with intent to commit, and to aid and abet, and in connection with activities constituting violations of federal law.

e. It was an object of the conspiracy for test-takers to use the social security numbers of individuals who had negotiated with **DEFENDANT MUMFORD** to have tests taken as part of the PRAXIS registration process to register for the PRAXIS examinations.

f. It was a principle object and purpose of the conspiracy to carry out and to execute the above-listed objects of the conspiracy for the ultimate personal gain, benefit, profit, advantage, and accommodation of **DEFENDANT MUMFORD** and his co-conspirators.

**MANNER AND MEANS OF THE  
CONSPIRACY AND SCHEME TO DEFRAUD**

4. The manner and means by which the conspiracy and the scheme and artifice to defraud functioned is more particularly set forth as follows:

a. It was part of the conspiracy and the scheme and artifice to defraud that

**DEFENDANT MUMFORD** was an individual to whom teachers or individuals aspiring to be teachers who were – and/or believed they were – unable to pass PRAXIS examinations could go to arrange for another individual to take PRAXIS examinations on behalf of each teacher or aspiring teacher. Teachers and aspiring teachers in schools in Memphis and Shelby County, as well as in Arkansas and in Mississippi, made use of **DEFENDANT MUMFORD'S** services.

b. It was further part of the conspiracy and the scheme and artifice to defraud that **DEFENDANT MUMFORD** directed teachers or individuals aspiring to be teachers to provide **DEFENDANT MUMFORD** with their driver's' licenses, often through the United States mail. **DEFENDANT MUMFORD** paid co-conspirators JB, FK, CS and SS and other individuals to take tests on behalf of the teachers or aspiring teachers (hereinafter "test-takers"), and obtained the test-takers' driver's licenses as well. **DEFENDANT MUMFORD** then created fraudulent driver's licenses with the information of a teacher or aspiring teacher and a superimposed or otherwise attached photograph of a test-taker.

c. It was further part of the conspiracy and the scheme and artifice to defraud that **DEFENDANT MUMFORD** gave the teachers or aspiring teachers instructions regarding when and where to register for the PRAXIS examination for which the teacher or aspiring teacher sought a passing score. Sometimes **DEFENDANT MUMFORD** completed the registration for the teacher or aspiring teacher. The registration was done online. **DEFENDANT MUMFORD** sometimes used his credit card or otherwise instructed the teacher or aspiring teacher to use his credit card to pay the registration fee for the teacher or aspiring teacher. **DEFENDANT MUMFORD** also sometimes used his electronic mail address or otherwise instructed the teacher or aspiring teacher to use his electronic mail as the contact electronic mail address during the PRAXIS registration

process.

d. It was further part of the conspiracy and the scheme and artifice to defraud that the teacher or aspiring teacher's social security number was used in the PRAXIS registration process. Often, **DEFENDANT MUMFORD** instructed teachers or aspiring teachers to send him the teacher's or aspiring teacher's social security number along with the teacher's or aspiring teacher's driver's license, if the driver's license did not contain a social security number. The score reports mailed by ETS contained the social security numbers of the teachers or aspiring teachers.

e. It was further part of the conspiracy and the scheme and artifice to defraud that **DEFENDANT MUMFORD** directed the teacher or aspiring teacher to pay him for his services. Payments fell in ranges varying from approximately \$1,500 per test to approximately \$3,000 per test, depending on what test and the time frame in which the test was taken. The payments were sometimes in the form of cash and, more often, in the form of cashier's checks or money orders. Sometimes the payments were hand delivered, but most often **DEFENDANT MUMFORD** directed the teacher or aspiring to teacher to send the payment via United States mail. **DEFENDANT MUMFORD** obtained tens of thousands of dollars from teachers and aspiring teachers during the course of the conspiracy.

f. It was further part of the conspiracy and the scheme and artifice to defraud that **DEFENDANT MUMFORD** paid the test-takers for their services.

g. It was further part of the scheme and artifice to defraud that test-takers would appear at the test sites, which were located in Arkansas, Mississippi and Tennessee, and falsely identify themselves as individuals in whose names the registrations for the tests were completed.

h. It was further part of the scheme and artifice to defraud that the test-taker, posing as the individual in whose name the registration for the test was completed, would then sign the confidentiality statement in the name of the person whose name and address was used in the application process.

i. It was further part of the scheme and artifice to defraud that, once the examination was processed, the results were mailed to a location controlled by **DEFENDANT MUMFORD** or to one of his co-conspirators in Arkansas, Mississippi or Tennessee.

#### **OVERT ACTS IN FURTHERANCE OF THE CONSPIRACY**

5. At all times hereinafter mentioned, during the pendency of the conspiracy, the following overt acts were engaged in, in the Western District of Tennessee and elsewhere, at least one of which furthered and effected the goals of said combination, conspiracy, confederation and agreement:

a. Overt acts related to an individual referred to hereinafter as "CM" include the following acts on or about the dates listed below:

Overt Act No.	Date	Act
1	01.12.2008	Sometime in approximation to but before this date, CM or someone acting on CM's behalf registered online for a PRAXIS examination to be taken on January 12, 2008 in CM's name by a test-taker sent by <b>DEFENDANT MUMFORD</b> . The registration involved the use of CM's social security number.
2	01.12.2008	Sometime in approximation to but before this date, <b>DEFENDANT MUMFORD</b> obtained JB and CM's driver's licenses. <b>DEFENDANT MUMFORD</b> used the driver's licenses to create a false identification with CM's name and identifying information, and JB's photograph.

3	01.12.2008	JB took a PRAXIS examination on behalf of CM. To take the examination, JB presented a driver's license with his own picture and CM's name and identifying information.
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b. Overt acts related to an individual referred to hereinafter as "DA" include the following acts on or about the dates listed below:

Overt Act No.	Date	Act
4	01.20.2009	DA obtained a cashier's check in the amount of \$2,700.00 that was provided to <b>DEFENDANT MUMFORD</b> and deposited into <b>DEFENDANT MUMFORD'S</b> SunTrust bank account.
5	04.25.2009	DA or someone acting on DA's behalf registered online for a PRAXIS examination to be taken on April 25, 2009 in DA's name by a test-taker sent by <b>DEFENDANT MUMFORD</b> . The registration involved the use of DA's social security number.
6	04.25.2009	A test-taker hired by <b>DEFENDANT MUMFORD</b> took a PRAXIS examination on behalf of DA.
7	12.07.2009	DA obtained a bank check in the amount of \$1,500.00 that was provided to <b>DEFENDANT MUMFORD</b> and deposited into <b>DEFENDANT MUMFORD'S</b> SunTrust bank account.
8	12.29.2009	DA sent a mailing to <b>DEFENDANT MUMFORD</b> .
9	01.09.2010	Sometime in approximation to but before this date, DA or someone acting on DA's behalf registered online for a PRAXIS examination to be taken on January 9, 2010 in DA's name by a test-taker sent by <b>DEFENDANT MUMFORD</b> . The registration involved the use of DA's social security number.
10	01.09.2010	Sometime in approximation to but before this date, <b>DEFENDANT MUMFORD</b> obtained FK and DA's driver's licenses. <b>DEFENDANT MUMFORD</b> used the driver's licenses to create a false identification with DA's name and identifying information, and FK's photograph.



11	01.09.2010	FK took a PRAXIS examination on behalf of DA. To take the examination, FK presented a driver's license with her own picture and DA's name and identifying information.
12	02.03.2010	DA obtained a Commercial Bank personal money order in the amount of \$200.00 that was provided to <b>DEFENDANT MUMFORD</b> and deposited into <b>DEFENDANT MUMFORD'S</b> SunTrust bank account.
13	02.03.2010	DA obtained a bank check in the amount of \$1,300.00 that was provided to <b>DEFENDANT MUMFORD</b> and deposited into <b>DEFENDANT MUMFORD'S</b> SunTrust bank account.

c. Overt acts related to an individual referred to hereinafter as "JH" include the following acts on or about the dates listed below:

Overt Act No.	Date	Act
14	01.26.2009	JH obtained a bank check in the amount of \$2,700.00 that was provided to <b>DEFENDANT MUMFORD</b> and deposited into <b>DEFENDANT MUMFORD'S</b> SunTrust bank account.
15	04.25.2009	JH or someone acting on JH's behalf registered online for a PRAXIS examination to be taken on April 25, 2009 in JH's name by a test-taker sent by <b>DEFENDANT MUMFORD</b> . The registration involved the use of JH's social security number.
16	04.25.2009	Sometime in approximation to but before this date, <b>DEFENDANT MUMFORD</b> obtained SS and JH's driver's licenses. <b>DEFENDANT MUMFORD</b> used the driver's licenses to create a false identification with JH's name and identifying information, and SS's photograph.
17	04.25.2009	SS took a PRAXIS examination on behalf of JH. To take the examination, SS presented a driver's license with her own picture and JH's name and identifying information.



18	12.14.2009	JH obtained a bank check in the amount of \$1,500.00 that was provided to <b>DEFENDANT MUMFORD</b> and deposited into <b>DEFENDANT MUMFORD'S</b> SunTrust bank account.
19	12.30.2009	JH mailed her driver's license, social security number, and PRAXIS admission ticket to <b>DEFENDANT MUMFORD</b> .

d. Overt acts related to an individual referred to hereinafter as "FJ" include the following acts on or about the dates listed below:

Overt Act No.	Date	Act
20	11.08.2008	Sometime in approximation to but before this date, <b>DEFENDANT MUMFORD</b> obtained SS and FJ's driver's licenses. <b>DEFENDANT MUMFORD</b> used the driver's licenses to create a false identification with FJ's name and identifying information, and SS's photograph.
21	11.12.2008	On or about this date, SS attempted to take a PRAXIS examination on behalf of FJ, but test monitors detected that SS was not FJ. The phone number listed on the registration forms was <b>DEFENDANT MUMFORD'S</b> phone number. The registration was paid for with <b>DEFENDANT MUMFORD'S</b> credit card number.
22	01.02.2009	FJ or someone acting on FJ's behalf registered online for a PRAXIS examination to be taken on January 10, 2009 in FJ's name by a test-taker sent by <b>DEFENDANT MUMFORD</b> . The registration involved the use of FJ's social security number.
23	01.10.2009	A test-taker hired by <b>DEFENDANT MUMFORD</b> took a PRAXIS examination on behalf of FJ.
24	02.27.2009	FJ prepared a personal bank check in the amount of \$500.00 that was provided to <b>DEFENDANT MUMFORD</b> and deposited into <b>DEFENDANT MUMFORD'S</b> SunTrust bank account.
25	04.10.2009	FJ sent a mailing to <b>DEFENDANT MUMFORD</b> .

e. Overt acts related to an individual referred to hereinafter as "JS" include the following acts on or about the dates listed below:

Overt Act No.	Date	Act
26	04.25.2009	Sometime in approximation to but before this date, <b>DEFENDANT MUMFORD</b> obtained CS and JS's driver's licenses. <b>DEFENDANT MUMFORD</b> used the driver's licenses to create a false identification with JS's name and identifying information, and CS's photograph.
27	04.25.2009	JS or someone acting on JS's behalf registered online for a PRAXIS examination to be taken on April 25, 2009 in JS's name by a test-taker sent by <b>DEFENDANT MUMFORD</b> . The registration involved the use of JS's social security number.
28	04.25.2009	CS took a PRAXIS examination on behalf of JS. To take the examination, CS presented a driver's license with his own picture and JS's name and identifying information.
29	04.25.2009	CS took a second PRAXIS examination on behalf of JS. To take the examination, CS presented a driver's license with his own picture and JS's name and identifying information.
30	06.13.2009	JS or someone acting on JS's behalf registered online for a PRAXIS examination to be taken on June 13, 2009 in JS's name by a test-taker sent by <b>DEFENDANT MUMFORD</b> . <b>DEFENDANT MUMFORD'S</b> credit card was used to pay for the registration. The registration involved the use of JS's social security number.
31	06.13.2009	CS took a PRAXIS examination on behalf of JS. To take the examination, CS presented a driver's license with his own picture and JS's name and identifying information.

f. Overt acts related to an individual referred to hereinafter as "EB" include the following acts on or about the dates listed below:

Overt Act No.	Date	Act
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32	06.13.2009	EB or someone acting on EB's behalf registered online for a PRAXIS examination to be taken on June 13, 2009 in EB's name by a test-taker sent by <b>DEFENDANT MUMFORD</b> . <b>DEFENDANT MUMFORD'S</b> credit card was used to pay for the registration. The registration involved the use of EB's social security number.
33	06.13.2009	Sometime in approximation to but before this date, <b>DEFENDANT MUMFORD</b> obtained CS and EB's driver's licenses. <b>DEFENDANT MUMFORD</b> used the driver's licenses to create a false identification with EB's name and identifying information, and CS's photograph.
34	06.13.2009	CS took a PRAXIS examination on behalf of EB. To take the examination, CS presented a driver's license with his own picture and EB's name and identifying information.
35	06.13.2009	Sometime in approximation to but before this date, <b>DEFENDANT MUMFORD</b> assisted and provided instructions to EB in registering for a PRAXIS examination to be taken at Arkansas State University in Session I, June 13, 2009. The registration involved the use of EB's social security number.
36	06.13.2009	Sometime in approximation to but before this date, <b>DEFENDANT MUMFORD</b> obtained JB and EB's driver's licenses. <b>DEFENDANT MUMFORD</b> used the driver's licenses to create a false identification with EB's name and identifying information, and JB's photograph.
37	06.13.2009	JB took a PRAXIS examination on behalf of EB. To take the examination, JB presented a driver's license with his own picture and EB's name and identifying information.

g. Overt acts related to an individual referred to hereinafter as "MT" include the following acts on or about the dates listed below:

Overt Act No.	Date	Act
38	04.25.2009	MT or someone acting on MT's behalf registered online for a PRAXIS examination to be taken on April 25, 2009 in MT's name by a test-taker sent by <b>DEFENDANT MUMFORD</b> . The registration involved the use of MT's social security number.
39	04.25.2009	Sometime in approximation to but before this date, <b>DEFENDANT MUMFORD</b> obtained SS and MT's driver's licenses. <b>DEFENDANT MUMFORD</b> used the driver's licenses to create a false identification with MT's name and identifying information, and SS's photograph.
40	04.25.2009	SS took a PRAXIS examination on behalf of MT. To take the examination, SS presented a driver's license with her own picture and MT's name and identifying information.
41	04.25.2009	SS took a second PRAXIS examination on behalf of MT. To take the examination, SS presented a driver's license with her own picture and MT's name and identifying information.
42	06.13.2009	MT or someone acting on MT's behalf registered online for a PRAXIS examination to be taken at Arkansas State University in Session I, June 13, 2009. The registration involved the use of MT's social security number.
43	06.13.2009	SS took a PRAXIS examination on behalf of MT. To take the examination, SS presented a driver's license with her own picture and MT's name and identifying information.
44	06.13.2009	MT or someone acting on MT's behalf registered online for a PRAXIS examination to be taken at Arkansas State University in Session II, June 13, 2009. The registration involved the use of MT's social security number.

45	06.13.2009	Sometime in approximation to but before this date, <b>DEFENDANT MUMFORD</b> obtained JB and MT's driver's licenses. <b>DEFENDANT MUMFORD</b> used the driver's licenses to create a false identification with MT's name and identifying information, and JB's photograph.
46	06.13.2009	JB took a PRAXIS examination on behalf of MT. To take the examination, JB presented a driver's license with his own picture and MT's name and identifying information.

h. Overt acts related to an individual referred to hereinafter as "KC" include the following acts on or about the dates listed below:

Overt Act No.	Date	Act
47	10.13.2009	KC obtained a United States Postal Service Money Order in the amount of \$650.00 that was provided to <b>DEFENDANT MUMFORD</b> and deposited into <b>DEFENDANT MUMFORD'S</b> SunTrust bank account.
48	10.13.2009	KC obtained a United States Postal Service Money Order in the amount of \$1,000.00 that was provided to <b>DEFENDANT MUMFORD</b> and deposited into <b>DEFENDANT MUMFORD'S</b> SunTrust bank account.
49	11.30.2009	KC obtained a United States Postal Service Money Order in the amount of \$1,000.00 that was provided to <b>DEFENDANT MUMFORD</b> and deposited into <b>DEFENDANT MUMFORD'S</b> SunTrust bank account.
50	11.30.2009	KC obtained a United States Postal Service Money Order in the amount of \$1,000.00 that was provided to <b>DEFENDANT MUMFORD</b> and deposited into <b>DEFENDANT MUMFORD'S</b> SunTrust bank account.
51	11.30.2009	KC obtained a United States Postal Service Money Order in the amount of \$500.00 that was provided to <b>DEFENDANT MUMFORD</b>
52	12.11.2009	KC sent a mailing to <b>DEFENDANT MUMFORD</b> .
53	01.07.2010	KC sent items to <b>DEFENDANT MUMFORD</b> via Delta Bus Lines.

54	02.09.2010	KC sent a mailing to <b>DEFENDANT MUMFORD</b> .
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i. Overt acts related to an individual referred to hereinafter as "GK" include the following acts on or about the dates listed below:

Overt Act No.	Date	Act
55	01.15.2010	GK obtained a cashier's check in the amount of \$3,000.00 that he sent to <b>DEFENDANT MUMFORD</b> .
56	03.12.2010	GK sent a Western Union Money Order in the amount of \$500.00 that was deposited into <b>DEFENDANT MUMFORD'S</b> SunTrust bank account.
57	03.12.2010	GK sent a Western Union Money Order in the amount of \$250.00 that was deposited into <b>DEFENDANT MUMFORD'S</b> SunTrust bank account.
58	03.13.2010	<b>DEFENDANT MUMFORD</b> arranged for an individual other than GK to take a PRAXIS examination for GK at Rust College in Mississippi.

All in violation of Title 18, United States Code, Section 371.

[nmt 5 yrs, nmt \$250,000.00, or both, and nmt 3 yrs supervised release together with a mandatory special assessment of \$100.00, see 18 U.S.C. § 3013(a)]

**COUNTS 2-6**

1. The allegations contained in paragraphs 1(a) through and including 1(p) of Count 1 of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

2. On or about each of the following dates, in the Western District of Tennessee, the defendant,

----- **CLARENCE MUMFORD** -----

did knowingly and without lawful authority produce the identification documents, authentication features and false identification documents described below, the production of each of which was in and affected interstate commerce and each of which was a driver's license:

Count	Date	Item
2	12.15.2009	Fraudulent Mississippi driver's license containing the name, address and driver's license number of KC and the photograph of JS.
3	01.02.2010	Fraudulent Mississippi driver's license containing the name, address and driver's license of number of DA and the photograph of FK
4	01.02.2010	Fraudulent Mississippi driver's license containing the name, address and driver's license number of JH and the photograph of SS
5	04.24.2010	Fraudulent Tennessee driver's license containing the name, address and driver's license number of TS and the photograph of ML
6	04.24.2010	Fraudulent Tennessee driver's license containing the name, address and driver's license number of ML and the photograph of TS

All in violation of Title 18, United States Code, Section 1028(a)(1).

[as to each count, nmt 15 yrs; \$250,000; or both, plus nmt 3 yrs supervised release, together with a mandatory special assessment of \$100, see 18 U.S.C. § 3013(a)]



**COUNTS 7-9**

1. The allegations contained in paragraphs 1(a) through and including 1(p) of Count 1 of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

2. On or about each of the following dates, in the Western District of Tennessee, the defendant,

----- **CLARENCE MUMFORD** -----

did knowingly transfer the following identification documents, authentication features and false identification documents, knowing that each was produced without lawful authority, each of which was in and affected interstate commerce and each of which was a driver's license:

Count	Date	Item
7	12.15.2009	Fraudulent Mississippi driver's license containing the name, address and driver's license number KC and the photograph of JS.
8	01.02.2010	Fraudulent Mississippi driver's license containing the name, address and driver's license of number of DA and the photograph of FK
9	01.02.2010	Fraudulent Mississippi driver's license containing the name, address and driver's license number of JH and the photograph of SS

All in violation of Title 18, United States Code, Section 1028(a)(2).

[as to each count, nmt 15 yrs; \$250,000; or both, plus nmt 3 yrs supervised release, together with a mandatory special assessment of \$100, see 18 U.S.C. § 3013(a)]



**COUNT 10**

1. The allegations contained in paragraphs 1(a) through and including 1(p) of Count 1 of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

2. Beginning on or about December 15, 2009 and continuing until at least on or about September 17, 2010, in the Western District of Tennessee, the defendant,

----- **CLARENCE MUMFORD** -----

in a manner affecting interstate commerce, knowingly possessed document-making implements, that is, a computer, sheets of clear laminate material and squares of laminate material cut to the dimensions of a state identification card and driver's license, with the intent that such document-making implements be used in the production of false identification documents, all in violation of Title 18, United States Code, Section 1028(a)(5).

[nmt 15 yrs; nmt \$250,000 fine, or both; nmt 3 yrs supervised release; \$100 mandatory special assessment, see 18 U.S.C. § 3013(a)]

**COUNTS 11-15**

1. The allegations contained in paragraphs 1(a) through and including 1(p) of Count 1 of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

2. On or about each of the following dates, in the Western District of Tennessee, the defendant,

----- **CLARENCE MUMFORD** -----

did knowingly possess and use in or affecting interstate commerce, without lawful authority, means of identification of others, that is, the names and driver's licenses of the individuals identified below by their initials, with the intent to commit unlawful activities that constitute violations of federal law, that is, mail and wire fraud, in violation of Title 18, United States Code, Sections 1341 and 1343, and social security fraud, in violation of Title 42, United States Code, Section 408(a)(7)(B), said use affecting interstate commerce and resulting in the obtaining of funds in excess of \$1,000 for each count:

Count	Date	Individual	Means of Identification
11	01.10.2009	FJ	Driver's license, containing photograph and driver's license number
12	12.15.2009	KC	Driver's license, containing photograph and driver's license number
13	01.02.2010	DA	Driver's license, containing photograph and driver's license number
14	01.02.2010	JH	Driver's license, containing photograph and driver's license number
15	03.01.2010	GK	Driver's license, containing photograph and driver's license number

All in violation of Title 18, United States Code, Section 1028(a)(7).

[as to each count, nmt 15 yrs; \$250,000; or both, plus nmt 3 yrs supervised release, together with a mandatory special assessment of \$100, see 18 U.S.C. § 3013(a)]

**COUNTS 16-26**

1. The allegations contained in paragraphs 1(a) through and including 1(p) of Count 1 of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.
2. On or about each of the following dates, in the Western District of Tennessee, the defendant,

----- **CLARENCE MUMFORD** -----

did knowingly possess, transfer and use, without lawful authority, means of identification of other persons, including names, drivers' licenses, drivers' license numbers, drivers' license photographs, identification cards, identification card numbers, identification card photographs and social security numbers, as set forth below, of the individuals identified below by their initials, during and in relation to the commission of felony violations of Title 18, United States Code, Sections 1028(a)(1); 1028(a)(2); 1028(a)(5); 1028(a)(7); 1341 and 1343; and Title 42, United States Code, Section 408(a)(7)(B).

Count	Date	Individual	Means of Identification
16	01.12.2008	CM	Driver's license, containing photograph and driver's license number
17	01.12.2008	JB	Identification card, containing photograph and identification card number
18	01.10.2009	FJ	Driver's license, containing photograph and driver's license number
19	06.13.2009	CS	Driver's license, containing photograph and driver's license number
20	12.15.2009	KC	Driver's license, containing photograph and driver's license number
21	01.02.2010	DA	Driver's license, containing photograph and driver's license number
22	01.02.2010	FK	Driver's license, containing photograph and driver's license number

Count	Date	Individual	Means of Identification
23	01.02.2010	JH	Driver's license, containing photograph and driver's license number
24	01.02.2010	JH	Social Security number
25	01.02.2010	SS	Driver's license, containing photograph and driver's license number
26	03.01.2010	GK	Driver's license, containing photograph and driver's license number

All in violation of Title 18, United States Code, Section 1028A(a)(1).

[mandatory 2 yrs imprisonment (consecutive to any other term of imprisonment); nmt \$250,000 fine, or both; nmt 1 yr supervised release; \$100 mandatory special assessment, see 18 U.S.C. § 3013(a)]

**COUNTS 27-31**

1. The allegations contained in paragraphs 1(a) through and including 1(p), and paragraphs 4(a) through and including 4(i) of Count 1 of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

2. It was further a part of the scheme and artifice to defraud that **DEFENDANT MUMFORD**, for the purpose of executing and attempting to execute the aforementioned scheme and artifice to defraud, and to obtain money and property by means of false and fraudulent pretenses and representations – did on or about each of the following dates knowingly cause to be delivered by mail according to the directions thereon the items described below, with each mailing a separate count:

Count	Date	Description of Mailing
27	12.29.2009	The defendant caused DA to send him a mailing to 2083 Hornsby Cove, Memphis, Tennessee 38116.
28	12.11.2009	The defendant caused KC to send him a mailing to 2083 Hornsby Cove, Memphis, Tennessee 38116.
29	02.09.2010	The defendant caused KC to send him a mailing to 2083 Hornsby Cove, Memphis, Tennessee 38116.
30	12.30.2009	The defendant caused JH to send him a mailing to 2083 Hornsby Cove, Memphis, Tennessee 38116.
31	04.10.2009	The defendant caused FJ to send him a mailing to 2083 Hornsby Cove, Memphis, Tennessee 38116.

All in violation of Title 18, United States Code, Section 1341.

[nmt 20 yrs, nmt \$250,000 fine, nmt 3 yrs supervised release, and mandatory assessment of \$100 pursuant to 18 U.S.C. § 3013]

**COUNTS 32-41**

1. The allegations contained in paragraphs 1(a) through and including 1(p), and paragraphs 4(a) through and including 4(i) of Count 1 of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

2. On or about each of the following dates, for the purpose of executing and attempting to execute the aforementioned scheme and artifice to defraud, and to obtain money by means of false and fraudulent pretenses and representations, the defendant, **CLARENCE MUMFORD**, did cause to be transmitted in interstate commerce by means of wire communications, certain signs, signals and sounds more specifically described below:

Count	Date	Description of Wire
32	12.21.2007	Internet registration on behalf of CM for a PRAXIS examination to be taken on January 8, 2008 at the University of Mississippi.
33	01.02.2009	Internet registration on behalf of FJ for a PRAXIS examination to be taken on January 10, 2009 at East Arkansas Community College.
34	03.26.2009	Internet registration on behalf of JH for a PRAXIS examination to be taken on April 25, 2009.
35	04.02.2009	Internet registration on behalf of DA for a PRAXIS examination to be taken on April 25, 2009.
36	05.14.2009	Internet registration on behalf of EB for a PRAXIS examination to be taken on June 13, 2009 at Arkansas State University – Jonesboro.
37	05.29.2009	Internet registration on behalf of MT for a PRAXIS examination to be taken on June 13, 2009 at Arkansas State University – Jonesboro.
38	12.10.2009	Internet registration on behalf of DA for a PRAXIS examination to be taken on January 9, 2010.
39	12.10.2009	Internet registration on behalf of KC for a PRAXIS examination to be taken on January 9, 2010.
40	12.10.2009	Internet registration on behalf of JH for a PRAXIS examination to be taken on January 9, 2010.

41	02.01.2010	Internet registration on behalf of GK for a PRAXIS examination to be taken on March 13, 2010 at Jackson State University in Mississippi.
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All in violation of Title 18, United States Code, Section 1343.

[nmt 20 yrs, nmt \$250,000 fine, nmt 3 yrs supervised release, and mandatory assessment of \$100 pursuant to 18 U.S.C. § 3013]

**COUNTS 42-45**

1. The allegations contained in paragraphs 1(a) through and including 1(p) of Count 1 of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

2. On or about each of the following dates, within the Western District of Tennessee and elsewhere, the defendant,

----- **CLARENCE MUMFORD** -----

being aided and abetted by others known to the Grand Jury, and for the purpose of obtaining something of value and for other purposes, knowingly, willfully and with the intent to deceive, falsely and fraudulently represented, and caused to be represented the following:

Count	Date	Representation
42	01.12.2008	JB falsely and fraudulently represented on a PRAXIS examination form that his Social Security Account Number was xxx-xx-7750 when, in fact, this Social Security Account Number was assigned to CM.
43	04.25.2009	CS falsely and fraudulently represented on a PRAXIS examination form labeled "4452615" that his Social Security Account Number was xxx-xx-2606 when, in fact, this Social Security Account Number was assigned to JS.



44	04.25.2009	CS falsely and fraudulently represented on a PRAXIS examination form for a geography test that his Social Security Account Number was xxx-xx-2606 when, in fact, this Social Security Account Number was assigned to JS.
45	06.13.2009	CS falsely and fraudulently represented on a PRAXIS examination form that his Social Security Account Number was xxx-xx-2606 when, in fact, this Social Security Account Number was assigned to JS.

All in violation of Title 42, United States Code, Section 408(a)(7)(B) and Title 18, United States Code, Section 2.

[as to each count, nmt 5 yrs, nmt \$250,000.00, or both, and nmt 3 yrs supervised release together with a mandatory special assessment of \$100.00, see 18 U.S.C. § 3013(a)]

**A TRUE BILL**

**FOREPERSON**

**DATE:** \_\_\_\_\_

**UNITED STATES ATTORNEY**  
**EDWARD L. STANTON, III**

**FABIAN**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**CLARENCE MUMFORD**

**DANTE DOWERS and**

**CLARENCE MUMFORD, JR.**

**Defendants.**

**Cr. No. 12-CR-20173-An/P**

**18 U.S.C. § 2**

**18 U.S.C. § 1028(a)(2)**

**18 U.S.C. § 371**

**18 U.S.C. § 1028(a)(1)**

**18 U.S.C. § 1028(a)(5)**

**18 U.S.C. § 1028(a)(7)**

**18 U.S.C. § 1028A(a)(1)**

**18 U.S.C. § 1341**

**18 U.S.C. § 1343**

**42 U.S.C. § 408(a)(7)(B)**

**SUPERCEDING INDICTMENT**

**THE GRAND JURY CHARGES:**

**INTRODUCTION**

1. At all times material herein:

a. Educational Testing Service ("ETS") was a private nonprofit educational testing and assessment organization with headquarters in Princeton, New Jersey. One series of tests written and administered by ETS was the PRAXIS series, components of which are required by many states for individuals entering the teaching profession or for teachers obtaining subject-specific endorsements on their teaching licenses.

b. Arkansas, Mississippi and Tennessee were among the states that required individuals entering the teaching profession and teachers obtaining subject-specific endorsements on their teaching licenses to take and pass PRAXIS examinations.

c. In Arkansas, other than certain out-of-state teachers obtaining reciprocal licenses, participants in a temporary non-traditional licensure program, and professionals teaching a limited number of classes per day, teachers were required to take and pass PRAXIS examinations to be licensed.

d. In Mississippi, other than certain out-of-state teachers obtaining reciprocal licenses, teachers were required to take and pass PRAXIS examinations to be licensed. In the past, Mississippi has issued temporary transitional/emergency licenses that did not require passage of PRAXIS examinations.

e. In Tennessee, other than teachers who obtained their licenses prior to 1984, certain out-of-state teachers obtaining reciprocal licenses, and teachers using transitional licenses, teachers were required to take and pass PRAXIS examinations to be licensed.

f. ETS charged fees to individuals who took the PRAXIS examinations. The results of the examination were relied upon by the Departments of Education in Arkansas, Mississippi and Tennessee for the issuance of licenses.

g. Because Tennessee and Mississippi required an individual's social security number to process educator certification paperwork, individuals taking PRAXIS examinations were required to provide their social security numbers to ETS as part of the PRAXIS registration process. Because Arkansas required the last four digits of an individual's social security number to process educator certification paperwork, individuals taking PRAXIS examinations were required to provide the last four digits of their social security numbers to ETS as part of the PRAXIS registration process.

h. ETS owned copyrights in the PRAXIS examinations and questions, and the registered trademark, "PRAXIS," as used on the examinations and score reports. ETS also developed specialized test administration and scoring services for the PRAXIS examinations. To keep its PRAXIS product exclusive, secure and confidential, ETS restricted access to and use of its copyrighted PRAXIS examinations and questions and trademarked PRAXIS score reports, as well as its PRAXIS test administration and scoring services.

i. Individuals taking the PRAXIS examination tests registered for the tests online. The registration process therefore involved wire communications from the computers at which registrants registered with ETS in Princeton, New Jersey.

j. Individuals taking the PRAXIS examination tests signed confidentiality statements certifying that the person taking the test was the person whose name and address was used in the application process. In addition, those taking the test agreed to maintain the full confidentiality of all test questions and agreed not to reproduce and/or disclose any test question to anyone. Individuals unwilling to agree to these conditions would not be permitted to take an examination. Each individual taking a PRAXIS was also required to present his or her driver's license at the test-taking center.

k. Once an exam was completed, exam results were wired from the test location in Arkansas, Mississippi or Tennessee to ETS in Princeton, New Jersey for processing. The individuals in whose name the exams were registered obtained their scores either via a score report mailed to them by ETS or via interstate wire communication through use of the internet.

l. ETS developed substantial goodwill from development and administration of the PRAXIS examinations, some of which was based on the integrity of the testing processes. ETS had property interests in the PRAXIS product, including (i) materials bearing its trademarks, such as the PRAXIS examinations and score reports, (ii) its copyrighted materials, such as the PRAXIS examinations and their questions, and (iii) the ETS-specified test administration and scoring services for the PRAXIS examinations. ETS also had property interests in the value of its goodwill, which is an asset of ETS and is based, in part, on maintaining the integrity of the testing and security process.

m. Tennessee teachers' licenses, issued by the Tennessee Department of Education, provided licensees with access to substantial economic benefits. In addition to their salaries, Tennessee teachers obtained coverage under the Tennessee

Consolidated Retirement System, which provided retirement, disability and survivor benefits.

n. Arkansas teachers' licenses, issued by the Arkansas Department of Education, provided licensees with access to substantial economic benefits. In addition to their salaries, Arkansas teachers obtained coverage under the Arkansas Teacher Retirement System, which provided retirement, age and service, disability, survivor and purchasing service credit benefits.

o. Mississippi teachers' licenses, issued by the Mississippi Department of Education, provided licensees with access to substantial economic benefits. In addition to their salaries, Mississippi teachers obtained coverage under the Public Employees' Retirement System of Mississippi, which provides retirement, disability, and survivor benefits.

p. Possession of a teacher's license enabled licensees to contract with school districts. The school districts' contracts had economic value to the contracting districts and to the teachers who contracted with them.

**COUNT 1**

**THE CONSPIRACY**

1. Beginning in or about January 1995, the exact date being unknown to the Grand Jury, and continuing until at least on or about July 8, 2010, in the Western District of Tennessee, and elsewhere, the defendant,

----- **CLARENCE MUMFORD** -----

did unlawfully, willfully and knowingly combine, conspire, confederate and agree with Memphis City Schools employees and/or former employees hereinafter identified as "JB", "FK", "CS", and "SS", and with other persons known and unknown to the Grand Jury, to commit offenses against the United States, that is:

- a. To use and cause to be used the United States mail in furtherance of a scheme and artifice to defraud and for obtaining money and property by means of false and fraudulent pretenses, representations and promises, in violation of Title 18, United States Code, Section 1341;
- b. To use and cause to be used interstate wire communications in furtherance of a scheme and artifice to defraud and for obtaining money or property by means of false or fraudulent pretenses, representations and promises, in violation of Title 18, United States Code, Section 1343;
- c. Producing an identification document, authentication feature, or false identification document without lawful authority, in violation of Title 18, United States Code, Section 1028(a)(1);
- d. Transferring an identification document, authentication feature, or a false identification document knowing that the document or feature was produced without lawful authority, in violation of Title 18, United States Code, Section 1028(a)(2);

e. Producing, transferring or possessing a document-making implement or authentication feature with the intent such document-making implement or authentication feature will be used in the production of a false identification document, in violation of Title 18, United States Code, Section 1028(a)(5);

f. Transferring, possessing or using, without lawful authority, a means of identification of another person with the intent to commit, or to aid or abet, or in connection with, any unlawful activity that constitutes a violation of Federal law, or that constitutes a felony under any applicable State or local law; in violation of Title 18, United States Code, Section 1028(a)(7);

g. During and in relation to the commission of violations of Title 18, United States Code, Sections 1341, 1343, 1028(a)(1), 1028(a)(2) and 1028(a)(5); knowingly transferring, possessing, and using, without lawful authority, a means of identification of another person, in violation of Title 18, United States Code, Section 1028A(a)(1); and

h. Falsely representing a Social Security number to be assigned to a person other than the person to whom the number is truly assigned, with intent to deceive, for the purpose of obtaining any payment or any other purpose, in violation of Title 42, United States Code, Section 408(a)(7)(B).

#### **OBJECTS OF THE CONSPIRACY**

2. The objects of the conspiracy are set forth as follows:

a. It was an object of the conspiracy to defraud ETS of property by obtaining access to and use of ETS's trademarked materials, copyrighted materials and services, by obtaining ETS's official score report, and by obtaining the benefit of, and undermining, ETS's goodwill and the value of its trademark and copyright.

b. It was an object of the conspiracy to defraud the Arkansas, Mississippi and Tennessee Departments of Education of licensing materials by falsely representing to the said Departments of Education that teachers and aspiring teachers seeking licenses

and endorsements on teaching licenses had, in fact, passed required PRAXIS examinations when, as **DEFENDANT CLARENCE MUMFORD** then well knew, the teachers and aspiring teachers had not passed the required examinations.

c. It was an object of the conspiracy to defraud local school districts in Arkansas, Mississippi and Tennessee by falsely representing to the school districts that teachers using **DEFENDANT CLARENCE MUMFORD'S** services had passed PRAXIS examinations and were properly licensed and thereby causing school districts to enter into contractual relationships with individuals who had not, in fact, passed PRAXIS examinations and were not, in fact, properly licensed.

d. It was an object of the conspiracy to produce false identification documents without lawful authority; and to transfer identification documents, authentication features and false identification documents knowing they were produced without lawful authority; and to transfer and possess authentication features knowing they would be used in production of a false identification document; and to transfer, possess and use means of identification of other persons, knowingly and with intent to commit, and to aid and abet, and in connection with activities constituting violations of federal law.

e. It was an object of the conspiracy for test-takers to use the social security numbers of individuals who had negotiated with **DEFENDANT CLARENCE MUMFORD** to have tests taken as part of the PRAXIS registration process to register for the PRAXIS examinations.

f. It was a principle object and purpose of the conspiracy to carry out and to execute the above-listed objects of the conspiracy for the ultimate personal gain, benefit, profit, advantage, and accommodation of **DEFENDANT CLARENCE MUMFORD** and his co-conspirators.



**MANNER AND MEANS OF THE  
CONSPIRACY AND SCHEME TO DEFRAUD**

3. The manner and means by which the conspiracy and the scheme and artifice to defraud functioned is more particularly set forth as follows:

a. It was part of the conspiracy and the scheme and artifice to defraud that **DEFENDANT CLARENCE MUMFORD** was an individual to whom teachers or individuals aspiring to be teachers who were – and/or believed they were – unable to pass PRAXIS examinations could go to arrange for another individual to take PRAXIS examinations on behalf of each teacher or aspiring teacher. Teachers and aspiring teachers in schools in Memphis and Shelby County, as well as in Arkansas and in Mississippi, made use of **DEFENDANT CLARENCE MUMFORD'S** services.

b. It was further part of the conspiracy and the scheme and artifice to defraud that **DEFENDANT CLARENCE MUMFORD** directed teachers or individuals aspiring to be teachers to provide **DEFENDANT CLARENCE MUMFORD** with their driver's' licenses, often through the United States mail. **DEFENDANT CLARENCE MUMFORD** paid co-conspirators JB, FK, CS and SS and other individuals to take tests on behalf of the teachers or aspiring teachers (hereinafter "test-takers"), and obtained the test-takers' driver's licenses as well. **DEFENDANT CLARENCE MUMFORD** then created fraudulent driver's licenses with the information of a teacher or aspiring teacher and a superimposed or otherwise attached photograph of a test-taker.

c. It was further part of the conspiracy and the scheme and artifice to defraud that **DEFENDANT CLARENCE MUMFORD** gave the teachers or aspiring teachers instructions regarding when and where to register for the PRAXIS examination for which the teacher or aspiring teacher sought a passing score. Sometimes **DEFENDANT CLARENCE MUMFORD** completed the registration for the teacher or aspiring teacher. The registration was done online. **DEFENDANT CLARENCE MUMFORD** sometimes

used his credit card or otherwise instructed the teacher or aspiring teacher to use his credit card to pay the registration fee for the teacher or aspiring teacher. **DEFENDANT CLARENCE MUMFORD** also sometimes used his electronic mail address or otherwise instructed the teacher or aspiring teacher to use his electronic mail as the contact electronic mail address during the PRAXIS registration process.

d. It was further part of the conspiracy and the scheme and artifice to defraud that the teacher or aspiring teacher's social security number was used in the PRAXIS registration process. Often, **DEFENDANT CLARENCE MUMFORD** instructed teachers or aspiring teachers to send him the teacher's or aspiring teacher's social security number along with the teacher's or aspiring teacher's driver's license, if the driver's license did not contain a social security number. The score reports mailed by ETS contained the social security numbers of the teachers or aspiring teachers.

e. It was further part of the conspiracy and the scheme and artifice to defraud that **DEFENDANT CLARENCE MUMFORD** directed the teacher or aspiring teacher to pay him for his services. Payments fell in ranges varying from approximately \$1,500 per test to approximately \$3,000 per test, depending on what test and the time frame in which the test was taken. The payments were sometimes in the form of cash and, more often, in the form of cashier's checks or money orders. Sometimes the payments were hand delivered, but most often **DEFENDANT CLARENCE MUMFORD** directed the teacher or aspiring to teacher to send the payment via United States mail. **DEFENDANT CLARENCE MUMFORD** obtained tens of thousands of dollars from teachers and aspiring teachers during the course of the conspiracy.

f. It was further part of the conspiracy and the scheme and artifice to defraud that **DEFENDANT CLARENCE MUMFORD** paid the test-takers for their services.

g. It was further part of the scheme and artifice to defraud that test-takers would appear at the test sites, which were located in Arkansas, Mississippi and Tennessee,

and falsely identify themselves as individuals in whose names the registrations for the tests were completed.

h. It was further part of the scheme and artifice to defraud that the test-taker, posing as the individual in whose name the registration for the test was completed, would then sign the confidentiality statement in the name of the person whose name and address was used in the application process.

i. It was further part of the scheme and artifice to defraud that, once the examination was processed, the results were mailed to a location controlled by **DEFENDANT CLARENCE MUMFORD** or to one of his co-conspirators in Arkansas, Mississippi or Tennessee.

#### **OVERT ACTS IN FURTHERANCE OF THE CONSPIRACY**

4. At all times hereinafter mentioned, during the pendency of the conspiracy, the following overt acts were engaged in, in the Western District of Tennessee and elsewhere, at least one of which furthered and effected the goals of said combination, conspiracy, confederation and agreement:

a. Overt acts related to **DEFENDANT CLARENCE MUMFORD, JR.** include the following acts on or about the dates listed below:

1	01.12.2008	Sometime in approximation to but before this date, <b>DEFENDANT CLARENCE MUMFORD, JR.</b> or someone acting on his behalf registered online for a PRAXIS examination to be taken on January 12, 2008 in his name by a test-taker sent by <b>DEFENDANT CLARENCE MUMFORD</b> . The registration involved the use of <b>DEFENDANT CLARENCE MUMFORD, JR.</b> 's social security number.
2	01.12.2008	Sometime in approximation to but before this date, <b>DEFENDANT CLARENCE MUMFORD</b> obtained JB and <b>DEFENDANT CLARENCE MUMFORD, JR.</b> 's driver's licenses. <b>DEFENDANT CLARENCE MUMFORD</b> used the driver's licenses to create a

		false identification with <b>DEFENDANT CLARENCE MUMFORD, JR.'s</b> name and identifying information, and JB's photograph.
3	01.12.2008	JB took a PRAXIS examination on behalf of <b>DEFENDANT CLARENCE MUMFORD, JR.</b> To take the examination, JB presented a driver's license with his own picture and <b>DEFENDANT CLARENCE MUMFORD, JR.'s</b> name and identifying information.
4	06.29.2011	<b>DEFENDANT CLARENCE MUMFORD</b> and <b>DEFENDANT CLARENCE MUMFORD, JR.</b> caused the mailing of teacher licensure application documents by the Memphis City Schools to the Tennessee Department of Education regarding <b>DEFENDANT CLARENCE MUMFORD, JR.'s</b> Tennessee licensing.

- b. Overt acts related to an individual referred to hereinafter as "FT" include the following acts on or about the dates listed below:

5	12.02.2009	FT met with <b>DEFENDANT DANTE DOWERS</b> and provided <b>DEFENDANT DANTE DOWERS</b> with several blank money orders from Heritage Banking Group in a total amount of \$3,580 along with FT's Social Security Number, date of birth and address.
6	07.08.2010	FT or someone acting on FT's behalf registered online for a PRAXIS examination to be taken on July 8, 2010 in FT's name by JB, sent by <b>DEFENDANT CLARENCE MUMFORD</b> . The registration involved the use of FT's social security number.
7	07.08.2010	Sometime in approximation to but before this date, FT provided his driver's license to <b>DEFENDANT DANTE DOWERS</b> , who provided the driver's license to <b>DEFENDANT CLARENCE MUMFORD</b> .
8	07.08.2010	JB took a PRAXIS examination on behalf of FT. To take the examination, JB presented a driver's license with his own picture and FT's name and identifying information.

- c. Overt acts related to an individual referred to hereinafter as "DA" include

the following acts on or about the dates listed below:

9	01.20.2009	DA obtained a cashier's check in the amount of \$2,700.00 that was provided to <b>DEFENDANT CLARENCE MUMFORD</b> and deposited into <b>DEFENDANT CLARENCE MUMFORD'S</b> SunTrust bank account.
10	04.25.2009	DA or someone acting on DA's behalf registered online for a PRAXIS examination to be taken on April 25, 2009 in DA's name by a test-taker sent by <b>DEFENDANT CLARENCE MUMFORD</b> . The registration involved the use of DA's social security number.
11	04.25.2009	A test-taker hired by <b>DEFENDANT CLARENCE MUMFORD</b> took a PRAXIS examination on behalf of DA.
12	12.07.2009	DA obtained a bank check in the amount of \$1,500.00 that was provided to <b>DEFENDANT CLARENCE MUMFORD</b> and deposited into <b>DEFENDANT CLARENCE MUMFORD'S</b> SunTrust bank account.
13	12.29.2009	DA sent a mailing to <b>DEFENDANT CLARENCE MUMFORD</b> .
14	01.09.2010	Sometime in approximation to but before this date, DA or someone acting on DA's behalf registered online for a PRAXIS examination to be taken on January 9, 2010 in DA's name by a test-taker sent by <b>DEFENDANT CLARENCE MUMFORD</b> . The registration involved the use of DA's social security number.
15	01.09.2010	Sometime in approximation to but before this date, <b>DEFENDANT CLARENCE MUMFORD</b> obtained FK and DA's driver's licenses. <b>DEFENDANT CLARENCE MUMFORD</b> used the driver's licenses to create a false identification with DA's name and identifying information, and FK's photograph.
16	01.09.2010	FK took a PRAXIS examination on behalf of DA. To take the examination, FK presented a driver's license with her own picture and DA's name and identifying information.
17	02.03.2010	DA obtained a Commercial Bank personal money

		order in the amount of \$200.00 that was provided to <b>DEFENDANT CLARENCE MUMFORD</b> and deposited into <b>DEFENDANT CLARENCE MUMFORD'S</b> SunTrust bank account.
18	02.03.2010	DA obtained a bank check in the amount of \$1,300.00 that was provided to <b>DEFENDANT CLARENCE MUMFORD</b> and deposited into <b>DEFENDANT CLARENCE MUMFORD'S</b> SunTrust bank account.

d. Overt acts related to an individual referred to hereinafter as "JH" include the following acts on or about the dates listed below:

19	01.26.2009	JH obtained a bank check in the amount of \$2,700.00 that was provided to <b>DEFENDANT CLARENCE MUMFORD</b> and deposited into <b>DEFENDANT CLARENCE MUMFORD'S</b> SunTrust bank account.
20	04.25.2009	JH or someone acting on JH's behalf registered online for a PRAXIS examination to be taken on April 25, 2009 in JH's name by a test-taker sent by <b>DEFENDANT CLARENCE MUMFORD</b> . The registration involved the use of JH's social security number.
21	04.25.2009	Sometime in approximation to but before this date, <b>DEFENDANT CLARENCE MUMFORD</b> obtained SS and JH's driver's licenses. <b>DEFENDANT CLARENCE MUMFORD</b> used the driver's licenses to create a false identification with JH's name and identifying information, and SS's photograph.
22	04.25.2009	SS took a PRAXIS examination on behalf of JH. To take the examination, SS presented a driver's license with her own picture and JH's name and identifying information.
23	12.14.2009	JH obtained a bank check in the amount of \$1,500.00 that was provided to <b>DEFENDANT CLARENCE MUMFORD</b> and deposited into <b>DEFENDANT CLARENCE MUMFORD'S</b> SunTrust bank account.
24	12.30.2009	JH mailed her driver's license, social security number, and PRAXIS admission ticket to <b>DEFENDANT CLARENCE MUMFORD</b> .

e. Overt acts related to an individual referred to hereinafter as "FJ" include the following acts on or about the dates listed below:

25	11.08.2008	Sometime in approximation to but before this date, <b>DEFENDANT CLARENCE MUMFORD</b> obtained SS and FJ's driver's licenses. <b>DEFENDANT CLARENCE MUMFORD</b> used the driver's licenses to create a false identification with FJ's name and identifying information, and SS's photograph.
26	11.12.2008	On or about this date, SS attempted to take a PRAXIS examination on behalf of FJ, but test monitors detected that SS was not FJ. The phone number listed on the registration forms was <b>DEFENDANT CLARENCE MUMFORD'S</b> phone number. The registration was paid for with <b>DEFENDANT CLARENCE MUMFORD'S</b> credit card number.
27	01.02.2009	FJ or someone acting on FJ's behalf registered online for a PRAXIS examination to be taken on January 10, 2009 in FJ's name by a test-taker sent by <b>DEFENDANT CLARENCE MUMFORD</b> . The registration involved the use of FJ's social security number.
28	01.10.2009	A test-taker hired by <b>DEFENDANT CLARENCE MUMFORD</b> took a PRAXIS examination on behalf of FJ.
29	02.27.2009	FJ prepared a personal bank check in the amount of \$500.00 that was provided to <b>DEFENDANT CLARENCE MUMFORD</b> and deposited into <b>DEFENDANT CLARENCE MUMFORD'S</b> SunTrust bank account.
30	04.10.2009	FJ sent a mailing to <b>DEFENDANT CLARENCE MUMFORD</b> .

f. Overt acts related to an individual referred to hereinafter as "JS" include the following acts on or about the dates listed below:

31	04.25.2009	Sometime in approximation to but before this date, <b>DEFENDANT CLARENCE MUMFORD</b> obtained CS and JS's driver's licenses. <b>DEFENDANT CLARENCE MUMFORD</b> used the driver's licenses to create a false identification with JS's name and identifying
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		information, and CS's photograph.	
32	04.25.2009	JS or someone acting on JS's behalf registered online for a PRAXIS examination to be taken on April 25, 2009 in JS's name by a test-taker sent by <b>DEFENDANT CLARENCE MUMFORD</b> . The registration involved the use of JS's social security number.	
33	04.25.2009	CS took a PRAXIS examination on behalf of JS. To take the examination, CS presented a driver's license with his own picture and JS's name and identifying information.	
34	04.25.2009	CS took a second PRAXIS examination on behalf of JS. To take the examination, CS presented a driver's license with his own picture and JS's name and identifying information.	
35	06.13.2009	JS or someone acting on JS's behalf registered online for a PRAXIS examination to be taken on June 13, 2009 in JS's name by a test-taker sent by <b>DEFENDANT CLARENCE MUMFORD</b> . <b>DEFENDANT CLARENCE MUMFORD'S</b> credit card was used to pay for the registration. The registration involved the use of JS's social security number.	
36	06.13.2009	CS took a PRAXIS examination on behalf of JS. To take the examination, CS presented a driver's license with his own picture and JS's name and identifying information.	

g. Overt acts related to an individual referred to hereinafter as "EB" include the following acts on or about the dates listed below:

37	06.13.2009	EB or someone acting on EB's behalf registered online for a PRAXIS examination to be taken on June 13, 2009 in EB's name by a test-taker sent by <b>DEFENDANT CLARENCE MUMFORD</b> . <b>DEFENDANT CLARENCE MUMFORD'S</b> credit card was used to pay for the registration. The registration involved the use of EB's social security number.	
38	06.13.2009	Sometime in approximation to but before this date, <b>DEFENDANT CLARENCE MUMFORD</b> obtained CS	



		and EB's driver's licenses. <b>DEFENDANT CLARENCE MUMFORD</b> used the driver's licenses to create a false identification with EB's name and identifying information, and CS's photograph.
39	06.13.2009	CS took a PRAXIS examination on behalf of EB. To take the examination, CS presented a driver's license with his own picture and EB's name and identifying information.
40	06.13.2009	Sometime in approximation to but before this date, <b>DEFENDANT CLARENCE MUMFORD</b> assisted and provided instructions to EB in registering for a PRAXIS examination to be taken at Arkansas State University in Session I, June 13, 2009. The registration involved the use of EB's social security number.
41	06.13.2009	Sometime in approximation to but before this date, <b>DEFENDANT CLARENCE MUMFORD</b> obtained JB and EB's driver's licenses. <b>DEFENDANT CLARENCE MUMFORD</b> used the driver's licenses to create a false identification with EB's name and identifying information, and JB's photograph.
42	06.13.2009	JB took a PRAXIS examination on behalf of EB. To take the examination, JB presented a driver's license with his own picture and EB's name and identifying information.

h. Overt acts related to an individual referred to hereinafter as "MT" include the following acts on or about the dates listed below:

Case No.	Date	Description
43	04.25.2009	MT or someone acting on MT's behalf registered online for a PRAXIS examination to be taken on April 25, 2009 in MT's name by a test-taker sent by <b>DEFENDANT CLARENCE MUMFORD</b> . The registration involved the use of MT's social security number.
44	04.25.2009	Sometime in approximation to but before this date, <b>DEFENDANT CLARENCE MUMFORD</b> obtained SS and MT's driver's licenses. <b>DEFENDANT CLARENCE MUMFORD</b> used the driver's licenses to create a false identification with MT's name and

		identifying information, and SS's photograph.
45	04.25.2009	SS took a PRAXIS examination on behalf of MT. To take the examination, SS presented a driver's license with her own picture and MT's name and identifying information.
46	04.25.2009	SS took a second PRAXIS examination on behalf of MT. To take the examination, SS presented a driver's license with her own picture and MT's name and identifying information.
47	06.13.2009	MT or someone acting on MT's behalf registered online for a PRAXIS examination to be taken at Arkansas State University in Session I, June 13, 2009. The registration involved the use of MT's social security number.
48	06.13.2009	SS took a PRAXIS examination on behalf of MT. To take the examination, SS presented a driver's license with her own picture and MT's name and identifying information.
49	06.13.2009	MT or someone acting on MT's behalf registered online for a PRAXIS examination to be taken at Arkansas State University in Session II, June 13, 2009. The registration involved the use of MT's social security number.
50	06.13.2009	Sometime in approximation to but before this date, <b>DEFENDANT CLARENCE MUMFORD</b> obtained JB and MT's driver's licenses. <b>DEFENDANT CLARENCE MUMFORD</b> used the driver's licenses to create a false identification with MT's name and identifying information, and JB's photograph.
51	06.13.2009	JB took a PRAXIS examination on behalf of MT. To take the examination, JB presented a driver's license with his own picture and MT's name and identifying information.

i. Overt acts related to an individual referred to hereinafter as "KC" include the following acts on or about the dates listed below:

52	10.13.2009	KC obtained a United States Postal Service Money Order in the amount of \$650.00 that was provided to
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		<b>DEFENDANT CLARENCE MUMFORD</b> and deposited into <b>DEFENDANT CLARENCE MUMFORD'S</b> SunTrust bank account.	
53	10.13.2009	KC obtained a United States Postal Service Money Order in the amount of \$1,000.00 that was provided to <b>DEFENDANT CLARENCE MUMFORD</b> and deposited into <b>DEFENDANT CLARENCE MUMFORD'S</b> SunTrust bank account.	
54	11.30.2009	KC obtained a United States Postal Service Money Order in the amount of \$1,000.00 that was provided to <b>DEFENDANT CLARENCE MUMFORD</b> and deposited into <b>DEFENDANT CLARENCE MUMFORD'S</b> SunTrust bank account.	
55	11.30.2009	KC obtained a United States Postal Service Money Order in the amount of \$1,000.00 that was provided to <b>DEFENDANT CLARENCE MUMFORD</b> and deposited into <b>DEFENDANT CLARENCE MUMFORD'S</b> SunTrust bank account.	
56	11.30.2009	KC obtained a United States Postal Service Money Order in the amount of \$500.00 that was provided to <b>DEFENDANT CLARENCE MUMFORD</b>	
57	12.11.2009	KC sent a mailing to <b>DEFENDANT CLARENCE MUMFORD</b> .	
58	01.07.2010	KC sent items to <b>DEFENDANT CLARENCE MUMFORD</b> via Delta Bus Lines.	
59	02.09.2010	KC sent a mailing to <b>DEFENDANT CLARENCE MUMFORD</b> .	

j. Overt acts related to an individual referred to hereinafter as "GK" include the following acts on or about the dates listed below:

60	01.15.2010	GK obtained a cashier's check in the amount of \$3,000.00 that he sent to <b>DEFENDANT CLARENCE MUMFORD</b> .	
61	03.12.2010	GK sent a Western Union Money Order in the amount of \$500.00 that was deposited into <b>DEFENDANT CLARENCE MUMFORD'S</b> SunTrust bank account.	
62	03.12.2010	GK sent a Western Union Money Order in the amount of \$250.00 that was deposited into <b>DEFENDANT</b>	

		<b>CLARENCE MUMFORD'S</b> SunTrust bank account.
63	03.13.2010	<b>DEFENDANT CLARENCE MUMFORD</b> arranged for an individual other than GK to take a PRAXIS examination for GK at Rust College in Holly Springs, Mississippi.

All in violation of Title 18, United States Code, Section 371.

[nmt 5 yrs, nmt \$250,000.00, or both, and nmt 3 yrs supervised release together with a mandatory special assessment of \$100.00, see 18 U.S.C. § 3013(a)]

**COUNTS 2-6**

1. The allegations contained in paragraphs 1(a) through and including 1(p) of Count 1 of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

2. On or about each of the following dates, in the Western District of Tennessee, the defendant,

----- **CLARENCE MUMFORD** -----

being aided and abetted by each other and by others known and unknown to the Grand Jury, did knowingly and without lawful authority produce the identification documents, authentication features and false identification documents described below, the production of each of which was in and affected interstate commerce and each of which was a driver's license:

Count	Date	Item
2	12.15.2009	Fraudulent Mississippi driver's license containing the name, address and driver's license number of KC and the photograph of JS
3	01.02.2010	Fraudulent Mississippi driver's license containing the name, address and driver's license number of DA and the photograph of FK
4	01.02.2010	Fraudulent Mississippi driver's license containing the name, address and driver's license number of JH and the photograph of SS
5	04.24.2010	Fraudulent Tennessee driver's license containing the name, address and driver's license number of TS and the photograph of ML
6	04.24.2010	Fraudulent Tennessee driver's license containing the name, address and driver's license number of ML and the photograph of TS

All in violation of Title 18, United States Code, Section 1028(a)(1).

[as to each count, nmt 15 yrs; \$250,000; or both, plus nmt 3 yrs supervised release, together with a mandatory special assessment of \$100, see 18 U.S.C. § 3013(a)]

**COUNTS 7-9**

1. The allegations contained in paragraphs 1(a) through and including 1(p) of Count 1 of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

2. On or about each of the following dates, in the Western District of Tennessee, the defendant,

----- **CLARENCE MUMFORD** -----

being aided and abetted by each other and by others known and unknown to the Grand Jury, did knowingly transfer the following identification documents, authentication features and false identification documents, knowing that each was produced without lawful authority, each of which was in and affected interstate commerce and each of which was a driver's license:

Count	Date	Item
7	12.15.2009	Fraudulent Mississippi driver's license containing the name, address and driver's license number of KC and the photograph of JS
8	01.02.2010	Fraudulent Mississippi driver's license containing the name, address and driver's license of number of DA and the photograph of FK
9	01.02.2010	Fraudulent Mississippi driver's license containing the name, address and driver's license number of JH and the photograph of SS

All in violation of Title 18, United States Code, Section 1028(a)(2).

[as to each count, nmt 15 yrs; \$250,000; or both, plus nmt 3 yrs supervised release, together with a mandatory special assessment of \$100, see 18 U.S.C. § 3013(a)]

**COUNT 10**

1. The allegations contained in paragraphs 1(a) through and including 1(p) of Count 1 of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

2. Beginning on or about December 15, 2009 and continuing until at least on or about September 17, 2010, in the Western District of Tennessee, the defendant,

----- **CLARENCE MUMFORD** -----

in a manner affecting interstate commerce, knowingly possessed document-making implements, that is, a computer, sheets of clear laminate material and squares of laminate material cut to the dimensions of a state identification card and driver's license, with the intent that such document-making implements be used in the production of false identification documents, all in violation of Title 18, United States Code, Section 1028(a)(5).

[nmt 15 yrs; nmt \$250,000 fine, or both; nmt 3 yrs supervised release; \$100 mandatory special assessment, see 18 U.S.C. § 3013(a)]

**COUNTS 11-16**

1. The allegations contained in paragraphs 1(a) through and including 1(p) of Count 1 of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

2. On or about each of the following dates, in the Western District of Tennessee, the defendant,

----- **CLARENCE MUMFORD** -----

being aided and abetted by each other and by others known and unknown to the Grand Jury, and, where indicated being aided and abetted by **DEFENDANT DANTE DOWERS**, did knowingly possess and use in or affecting interstate commerce, without lawful authority, means of identification of others, that is, the names and driver's license numbers of the individuals identified below by their name or initials, with the intent to commit unlawful activities that constitute violations of federal law, that is, mail and wire fraud, in violation of Title 18, United States Code, Sections 1341 and 1343, and social security fraud, in violation of Title 42, United States Code, Section 408(a)(7)(B), said use affecting interstate commerce and resulting in the obtaining of funds in excess of \$1,000 for each count:

Count	Date	Individual	Means of Identification
11	01.10.2009	FJ	Driver's license, containing photograph and driver's license number
12	12.15.2009	KC	Driver's license, containing photograph and driver's license number
13	01.02.2010	DA	Driver's license, containing photograph and driver's license number
14	01.02.2010	JH	Driver's license, containing photograph and driver's license number
15	03.01.2010	GK	Driver's license, containing photograph and driver's license number
16	07.08.2010	FT	Driver's license, containing photograph and driver's license number, aided and abetted by <b>DEFENDANT DANTE DOWERS</b>



All in violation of Title 18, United States Code, Section 1028(a)(7) and, for Count 16, Title 18, United States Code, Section 2.

[as to each count, nmt 15 yrs; \$250,000; or both, plus nmt 3 yrs supervised release, together with a mandatory special assessment of \$100, see 18 U.S.C. § 3013(a)]

**COUNTS 17-28**

1. The allegations contained in paragraphs 1(a) through and including 1(p) of Count 1 of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

2. On or about each of the following dates, in the Western District of Tennessee, the defendant,

----- **CLARENCE MUMFORD** -----

being aided and abetted by others known and unknown to the Grand Jury, and, where indicated being aided and abetted by **DEFENDANT DANTE DOWERS**, did knowingly possess, transfer and use, without lawful authority, means of identification of other persons, including names, drivers' licenses, drivers' license numbers, drivers' license photographs, identification cards, identification card numbers, identification card photographs and social security numbers, as set forth below, of the individuals identified below by their name or initials, during and in relation to the commission of felony violations of Title 18, United States Code, Sections 1028(a)(1); 1028(a)(2); 1028(a)(5); 1028(a)(7); 1341 and 1343; and Title 42, United States Code, Section 408(a)(7)(B).

Count	Date	Individual	Means of Identification
17	01.12.2008	<b>DEFENDANT CLARENCE MUMFORD, JR.</b>	Driver's license, containing photograph and driver's license number
18	01.12.2008	JB	Identification card, containing photograph and identification card number
19	01.10.2009	FJ	Driver's license, containing photograph and driver's license number
20	06.13.2009	CS	Driver's license, containing photograph and driver's license number
21	12.15.2009	KC	Driver's license, containing photograph and driver's license number
22	01.02.2010	DA	Driver's license, containing photograph and driver's license number

Count	Date	Individual	Means of Identification
23	01.02.2010	FK	Driver's license, containing photograph and driver's license number
24	01.02.2010	JH	Driver's license, containing photograph and driver's license number
25	01.02.2010	JH	Social Security number
26	01.02.2010	SS	Driver's license, containing photograph and driver's license number
27	03.01.2010	GK	Driver's license, containing photograph and driver's license number
28	07.08.2010	FT	Social Security number and driver's license, containing photograph and driver's license number, aided and abetted by <b>DEFENDANT DANTE DOWERS</b>

All in violation of Title 18, United States Code, Section 1028A(a)(1) and, for Count 28, Title 18, United States Code, Section 2.

[mandatory 2 yrs imprisonment (consecutive to any other term of imprisonment); nmt \$250,000 fine, or both; nmt 1 yr supervised release; \$100 mandatory special assessment, see 18 U.S.C. § 3013(a)]

**COUNTS 29-33**

1. The allegations contained in paragraphs 1(a) through and including 1(p), and paragraphs 4(a) through and including 4(i) of Count 1 of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

2. It was further a part of the scheme and artifice to defraud that **DEFENDANT CLARENCE MUMFORD**, being aided and abetted by others known and unknown to the Grand Jury, for the purpose of executing and attempting to execute the aforementioned scheme and artifice to defraud, and to obtain money and property by means of false and fraudulent pretenses and representations – did on or about each of the following dates knowingly cause to be delivered by mail according to the directions thereon the items described below, with each mailing a separate count:

Count	Date	Description of Mailing
29	12.29.2009	The defendant caused DA to send him a mailing to 2083 Hornsby Cove, Memphis, Tennessee 38116.
30	12.11.2009	The defendant caused KC to send him a mailing to 2083 Hornsby Cove, Memphis, Tennessee 38116.
31	02.09.2010	The defendant caused KC to send him a mailing to 2083 Hornsby Cove, Memphis, Tennessee 38116.
32	12.30.2009	The defendant caused JH to send him a mailing to 2083 Hornsby Cove, Memphis, Tennessee 38116.
33	04.10.2009	The defendant caused FJ to send him a mailing to 2083 Hornsby Cove, Memphis, Tennessee 38116.

All in violation of Title 18, United States Code, Section 1341.

[nmt 20 yrs, nmt \$250,000 fine, nmt 3 yrs supervised release, and mandatory assessment of \$100 pursuant to 18 U.S.C. § 3013]

**COUNTS 34-44**

1. The allegations contained in paragraphs 1(a) through and including 1(p), and paragraphs 4(a) through and including 4(i) of Count 1 of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

2. On or about each of the following dates, for the purpose of executing and attempting to execute the aforementioned scheme and artifice to defraud, and to obtain money by means of false and fraudulent pretenses and representations, **DEFENDANT CLARENCE MUMFORD**, being aided and abetted by others known and unknown to the Grand Jury, and, where indicated being aided and abetted by **DEFENDANT DANTE DOWERS**, did cause to be transmitted in interstate commerce by means of wire communications, certain signs, signals and sounds more specifically described below:

Count	Date	Description of Wire
34	12.21.2007	Internet registration on behalf of <b>DEFENDANT CLARENCE MUMFORD, JR.</b> for a PRAXIS examination to be taken on January 8, 2008 at the University of Mississippi.
35	01.02.2009	Internet registration on behalf of FJ for a PRAXIS examination to be taken on January 10, 2009 at East Arkansas Community College.
36	03.26.2009	Internet registration on behalf of JH for a PRAXIS examination to be taken on April 25, 2009.
37	04.02.2009	Internet registration on behalf of DA for a PRAXIS examination to be taken on April 25, 2009.
38	05.14.2009	Internet registration on behalf of EB for a PRAXIS examination to be taken on January 9, 2010 at Arkansas State University – Jonesboro.
39	05.29.2009	Internet registration on behalf of MT for a PRAXIS examination to be taken on January 9, 2010 at Arkansas State University – Jonesboro.
40	12.10.2009	Internet registration on behalf of DA for a PRAXIS examination to be taken on January 9, 2010.
41	12.10.2009	Internet registration on behalf of KC for a PRAXIS examination to be taken on January 9, 2010.

42	12.10.2009	Internet registration on behalf of JH for a PRAXIS examination to be taken on January 9, 2010.
43	02.01.2010	Internet registration on behalf of GK for a PRAXIS examination to be taken on March 13, 2010 at Jackson State University in Mississippi.
44	07.07.2010	Internet registration on behalf of FT for a PRAXIS examination to be taken on July 8, 2010, aided and abetted by <b>DEFENDANT DANTE DOWERS.</b>

All in violation of Title 18, United States Code, Section 1343 and, for Count 44, Title 18, United States Code, Section 2.

[nmt 20 yrs, nmt \$250,000 fine, nmt 3 yrs supervised release, and mandatory assessment of \$100 pursuant to 18 U.S.C. § 3013]

**COUNTS 45-48**

1. The allegations contained in paragraphs 1(a) through and including 1(p) of Count 1 of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.
2. On or about each of the following dates, within the Western District of Tennessee and elsewhere, the defendant,

----- **CLARENCE MUMFORD** -----

being aided and abetted by others known and unknown to the Grand Jury, and for the purpose of obtaining something of value and for other purposes, knowingly, willfully and with the intent to deceive, falsely and fraudulently represented, and caused to be represented the following:

Count	Date	Representation
45	01.12.2008	JB falsely and fraudulently represented on a PRAXIS examination form that his Social Security Account Number was xxx-xx-7750 when, in fact, this Social Security Account Number was assigned to <b>DEFENDANT CLARENCE MUMFORD, JR.</b>
46	04.25.2009	CS falsely and fraudulently represented on a PRAXIS examination form labeled "4452615" that his Social Security Account Number was xxx-xx-2606 when, in fact, this Social Security Account Number was assigned to JS.
47	04.25.2009	CS falsely and fraudulently represented on a PRAXIS examination form for a geography test that his Social Security Account Number was xxx-xx-2606 when, in fact, this Social Security Account Number was assigned to JS.
48	06.13.2009	CS falsely and fraudulently represented on a PRAXIS examination form that his Social Security Account Number was xxx-xx-2606 when, in fact, this Social Security Account Number was assigned to JS.

All in violation of Title 42, United States Code, Section 408(a)(7)(B).

[as to each count, nmt 5 yrs, nmt \$250,000.00, or both, and nmt 3 yrs supervised release together with a mandatory special assessment of \$100.00, see 18 U.S.C. § 3013(a)]

**COUNT 49**

1. Beginning on a date unknown to the Grand Jury but sometime on or before June 29, 2011, and continuing at least until on or about June 29, 2011, in the Western District of Tennessee, the defendants,

----- **CLARENCE MUMFORD** -----  
and  
----- **CLARENCE MUMFORD, JR.** -----

being aided and abetted by each other and by others known and unknown to the Grand Jury, did knowingly devise and intend to devise a scheme and artifice to defraud the Tennessee Department of Education and the Memphis City Schools and to obtain money and property by means of materially false and fraudulent pretenses and representations, knowing and having reason to know that said pretenses and representations were and would be false and fraudulent when made and caused to be made.

2. The scheme and artifice to defraud and to obtain money and property was in substance that **DEFENDANT CLARENCE MUMFORD** arranged for JB to take a "Principles of Learning and Teaching" PRAXIS examination on behalf of **DEFENDANT CLARENCE MUMFORD, JR.** – a current Memphis City Schools teacher – on or about January 12, 2008 at the University of Mississippi. JB passed the examination, which was a necessary prerequisite for a Tennessee professional teacher's license. **DEFENDANT CLARENCE MUMFORD, JR.** had obtained an alternative license on or about December 11, 2008. The alternative license was converted to a transitional license on or about February 2, 2010. **DEFENDANT CLARENCE MUMFORD, JR.** later progressed to an apprentice license on or about December 15, 2010 and, ultimately, a professional license on or about August 5, 2011. He would not have obtained the professional license without the test taken by JB, and arranged for by **DEFENDANT CLARENCE MUMFORD**. Furthermore, without a license, he would not have been eligible for his Memphis City Schools teaching contract and the money and benefits that accompany the contract.



3. It was further a part of the scheme and artifice to defraud and to obtain money and property that, on or about June 29, 2011, **DEFENDANT CLARENCE MUMFORD** and **DEFENDANT CLARENCE MUMFORD, JR.**, being aided and abetted by each other, and for the purpose of executing and attempting to execute the aforementioned scheme and artifice, did knowingly cause to be delivered by mail according to the direction thereon teacher licensing application paperwork sent by the Memphis City Schools to the Tennessee Department of Education, in violation of Title 18, United States Code, Section 1341.

[nmt 20 yrs.; nmt \$250,000; or both, plus nmt 3 yrs. supervised release, together with a mandatory special assessment of \$100.00, see 18 U.S.C. § 3013(a)]

**A TRUE BILL**

**FOREPERSON**

**DATE:** \_\_\_\_\_

\_\_\_\_\_  
**UNITED STATES ATTORNEY**  
**EDWARD L. STANTON, III**

(UNREDACTED)

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
VS.	)	NO. 12-20226
	)	
JOHN BOWEN,	)	
	)	
Defendant.	)	

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CHANGE OF PLEA PROCEEDINGS  
BEFORE THE HONORABLE JOHN T. FOWLKES, JR., JUDGE  
FRIDAY AFTERNOON  
SEPTEMBER 7, 2012

LYNN DUDLEY  
OFFICIAL REPORTER  
923-A FEDERAL BUILDING  
MEMPHIS, TENNESSEE 38103

## A P P E A R A N C E S

Appearing on behalf of the Plaintiff:

EDWARD L. STANTON, III, ESQ.  
UNITED STATES ATTORNEY  
800 FEDERAL BUILDING  
167 NORTH MAIN STREET  
MEMPHIS, TENNESSEE 38103  
BY: JOHN D. FABIAN, ESQ.  
ASSISTANT U. S. ATTORNEY

Appearing on behalf of the Defendant:

MCAFEE & MCAFEE  
243 EXCHANGE AVENUE  
MEMPHIS, TENNESSEE 38105  
(901) 328-7000  
BY: MARTY B. MCAFEE, ESQ.  
ATTORNEY AT LAW

W I T N E S S I N D E X

<u>WITNESS</u>	<u>PAGE</u>	<u>LINE</u>
JOHN BOWEN		
DIRECT EXAMINATION		
BY THE COURT .....	24	6

E X H I B I T I N D E XEXHIBIT NUMBERPAGE LINE

FRIDAY AFTERNOON

SEPTEMBER 7, 2012

The change of plea hearing in this case began on this date, Friday, September 7, 2012, at 2:30 o'clock p.m., when and where evidence was introduced and proceedings were had as follows:

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**THE COURT:** All right. Let's see.

Okay, we have all of the parties here.

**MR. FABIAN:** Yes, Your Honor.

**MR. MCAFEE:** Yes, Your Honor.

**THE COURT:** Now I just received the Information in this case.

Is it sealed?

**MR. FABIAN:** The Information, as a matter of course, is sealed, but we are not requesting that it remain sealed --

**THE COURT:** Oh, okay.

**MR. FABIAN:** -- you know, at this time that point.

**THE COURT:** What do you mean, "as a matter of course" it's sealed?

02:40 1           **MR. FABIAN:** It's my understanding  
2 that all -- all -- it's my understanding that all  
3 Informations are sealed until the first hearing on  
4 the Information which is --

02:40 5           **THE COURT:** Which is today.

6           **MR. FABIAN:** -- this hearing on this  
7 case, Your Honor.

8           **THE COURT:** I didn't know that that  
9 they were all sealed. But, be that as it may, I'm  
02:41 10 assuming this is the first appearance on the  
11 Information?

12           **MR. FABIAN:** That's correct, Your  
13 Honor.

14           **THE COURT:** Okay. And the copy of  
02:41 15 that that I have, let me just go over with  
16 Mr. Bowen.

17                   Can someone give me just a little  
18 history, have we had any process at all?

19                   The reason we're coming up with the  
02:41 20 Information, was there an indictment or anything  
21 like that prior to this time?

22           **MR. FABIAN:** Your Honor, there was --  
23 was no indictment. The Information was -- was  
24 provided to defense counsel -- to defense counsel  
02:41 25 before filing, it was, you know, the agreed upon

02:41 1 approach.

2 THE COURT: Okay.

3 Okay. All right. And is it just  
4 today for initial appearance.

02:41 5 MR. FABIAN: No, Your Honor, there is  
6 going to be a change of plea, guilty plea to the  
7 Information this afternoon, Your Honor.

8 THE COURT: All right. I'm assuming  
9 there is a plea agreement?

02:41 10 MR. FABIAN: That's correct, Your  
11 Honor.

12 THE COURT: Okay. Could I take a look  
13 at it, please?

14 MR. MCAFEE: Yes, sir.

02:42 15 This is the original that we have  
16 marked on. I have another one that I have marked  
17 on for my purposes in going over it with  
18 Mr. Bowen.

19 THE COURT: Okay. Do you have an  
02:43 20 extra copy of the plea agreement?

21 If you don't that's okay.

22 MR. FABIAN: I do not have a clean  
23 copy, Your Honor, a blank one.

24 MR. MCAFEE: I might. I think I have  
02:43 25 two in here.



02:43 1 This is a clean copy.

2 THE COURT: Okay. Appreciate it, I  
3 can get it back to you a little later.

4 I'm sorry, I meant the plea agreement,  
02:43 5 not the Information, I have the Information.

6 MR. MCAFEE: Which do you need?

7 THE COURT: They need to keep that. I  
8 need an extra copy of the plea agreement.

9 MR. MCAFEE: Oh, yes, sir, I have  
02:43 10 that, too --

11 THE COURT: Okay.

12 MR. MCAFEE: -- it -- it unfortunately  
13 has some of my marks -- --

14 THE COURT: No problem.

02:43 15 MR. MCAFEE: -- but I can make do.

16 THE COURT: All right. Thanks, it's  
17 no problem.

18 MR. MCAFEE: Your Honor,  
19 respectfully --

02:43 20 THE COURT: Go ahead.

21 MR. MCAFEE: -- I also have this  
22 document as well, the Waiver of Indictment.

23 THE COURT: Okay. This is Mr. Bowen?

24 MR. JOHN BOWEN: Yes.

02:44 25 THE COURT: Okay. Mr. Bowen, in just

02:44 1 a few minutes after the prosecutor gives me some  
2 Information about the case and also summarizes the  
3 plea agreement I will need to talk with you about  
4 the Information, the change of plea, rights that  
02:44 5 you are waiving. We're going to have a sentencing  
6 hearing out about 90 days or so. I just want to  
7 make sure you understand everything, understand  
8 the impact of everything. Okay?

9 MR. JOHN BOWEN: Yes, sir.

02:44 10 THE COURT: Okay. Now you've been  
11 able to go over this Information with your lawyer?

12 MR. JOHN BOWEN: Yes, I have.

13 THE COURT: You have gone over the  
14 terms of it with him?

02:44 15 MR. JOHN BOWEN: Yes, sir, I have.

16 THE COURT: And you understand  
17 everything?

18 MR. JOHN BOWEN: Yes, sir.

19 THE COURT: Okay. At this time I'm  
02:44 20 going to ask the government, if you would, please,  
21 to summarize for the record the plea agreement and  
22 then provide me with the facts that support the  
23 case.

24 MR. FABIAN: Yes, Your Honor.

02:44 25 Does Your Honor prefer sort of a

02:44 1 summary of the plea --

2           **THE COURT:** Yes, you don't have to  
3 read it, just a summary of the terms.

4           **MR. FABIAN:** Okay. Yes, Your Honor.

02:45 5           The defendant is agreeing to -- to  
6 plead guilty to the one -- the one count  
7 indictment -- Information charging him with  
8 conspiracy in violation of Title 18 United States  
9 Code -- United States Code Section 371.

02:45 10           He's waiving his right to challenge  
11 the voluntariness -- voluntariness of his guilty  
12 plea on appeal or any collateral attack, that is  
13 except with respect to claims of ineffective  
14 assistance -- assistance of counsel or  
02:45 15 prosecutorial misconduct.

16           The defendant is acknowledging his  
17 right to appeal. He is knowingly and voluntarily  
18 waiving that right to appeal any sentence imposed  
19 by the court and the manner in which the sentence  
02:45 20 is determined.

21           He's -- we're requesting that the  
22 court enter a specific finding that the  
23 defendant's waiver of his right to appeal is  
24 knowingly and voluntarily.

02:45 25           He is agreeing to pay the special

02:45 1 assessment.

2           The United States agrees to recommend  
3 the maximum possible reduction for acceptance of  
4 responsibility so long as the defendant continues  
02:45 5 to demonstrate an acceptance until and including  
6 the time of sentencing.

7           The parties agree in this case that  
8 the applicable United States Sentencing Guideline  
9 is Section 2B1.1. And that the defendant's  
02:46 10 relevant conduct is limited to a loss value of no  
11 greater than \$70,000.

12           The parties agree that the United  
13 States may file a Section 5K1.1 motion. The  
14 defendant understands that at this time no one has  
02:46 15 promised him that such a motion will be made on  
16 his behalf and understands that the determinations  
17 as to whether such a motion would be filed is  
18 solely within the discretion of the United States.  
19 And the decision to grant such a motion rest  
02:46 20 exclusively with the court.

21           The defendant acknowledges that he has  
22 been advised and understands that if he engages in  
23 any criminal offense or any obstruction of justice  
24 the United States would be released from its  
02:46 25 obligations under this plea agreement but the

02:46 1 defendant would not be released from his guilty  
2 plea.

3 Finally, the defendant acknowledges  
4 that he has read the agreement and/or had it read  
02:47 5 to him and has discussed it with his attorney and  
6 understands it.

7 **THE COURT:** Okay.

8 **MR. FABIAN:** And as far as the facts  
9 supporting the plea, the government offers the  
02:47 10 following, if this matter had gone to trial it  
11 would have offered evidence to the following  
12 facts.

13 And if you will excuse me, Your Honor,  
14 it's a somewhat lengthy series of facts because  
02:47 15 it's -- it's a complicated indictment.

16 The proof would have shown as follows:

17 This case centers upon a type of  
18 teacher certification examination called a PRAXIS  
19 examination. The examinations are created by a  
02:47 20 company called Educational Testing Services or ETS  
21 for short which is headquartered in Princeton,  
22 New Jersey. Arkansas, Mississippi and Tennessee  
23 are among the states that require individuals  
24 entering the teaching profession and teachers  
02:47 25 seeking endorsements on there licenses to take and

02:47 1 pass PRAXIS examinations.

2           The individuals involved in this case  
3 were seeking to have test taken and passed because  
4 their states require them to pass these  
02:48 5 examinations to obtain or retain their teaching  
6 licenses.

7           ETS charged fees for the examinations.

8           The departments of education in  
9 Tennessee and Mississippi and Arkansas relied upon  
02:48 10 the examinations in the issuance of licenses.

11           Individuals taking tests were required  
12 to make certain threshold scores in order to  
13 obtain license or endorsements upon their existing  
14 licenses.

02:48 15           So security numbers were used in the  
16 register process for Mississippi and because these  
17 states required the use of Social Security numbers  
18 to process teacher certification paperwork.

19           Arkansas used the last four digits of  
02:48 20 an individual's Social Security number.

21           ETS owned copyrights and trademarks in  
22 the PRAXIS examinations and restricted access to  
23 examinations and questions.

24           ETS had property interest the PRAXIS  
02:48 25 examinations and the good will it generated in

02:48 1 developing and administering the examinations.

2 Registrants for the examinations did  
3 so online and the registrations involved wire  
4 communications to ETS servers in Delaware. The  
02:49 5 wire communications were then transferred to ETS  
6 in Princeton, New Jersey where ETS employees  
7 accessed the information.

8 Individuals taking the examination  
9 signed confidentiality statements affirming that  
02:49 10 the person taking the test was the person whose  
11 name and address was used in the application  
12 process and agreeing to maintain the  
13 confidentiality of all test questions.

14 Individuals taking the examinations  
02:49 15 presented their driver's licenses.

16 Results of tests were wired from test  
17 centers in Arkansas, Mississippi and Tennessee to  
18 ETS servers in Delaware and then to ETS in  
19 Princeton, New Jersey.

02:49 20 ETS provided test scores to the  
21 individuals registered for the test by the e-mail  
22 and through the Internet.

23 Tennessee, Arkansas and Mississippi  
24 teacher's licenses conferred substantial benefits  
02:49 25 to license holders, including salaries,

02:49 1 retirement, disability, survivor and other  
2 benefits.

3 Possession of a teacher's license  
4 enabled license holders to contract with school  
02:50 5 districts, and those contracts had economic --  
6 economic value to the parties to the contracts.

7 On or about June 11th, 2010 the  
8 Tennessee Bureau of Investigation received a  
9 request to investigate a network of individuals  
02:50 10 who were fraudulently taken licensure examinations  
11 for teachers employed or hoping to be employed in  
12 the Memphis city schools, Shelby County schools  
13 and in school districts in Mississippi and  
14 Arkansas.

02:50 15 The requests for investigation arose  
16 out of an incident that occurred at Arkansas State  
17 University in Jonesboro, Arkansas on or about June  
18 13th, 2009.

19 On or about that date examinations  
02:50 20 were being conducted of teachers seeking to obtain  
21 teaching certifications. A lady in a pink ball  
22 cap took an examination in a female's name during  
23 the first session of tests on that date. The  
24 proctor for this female Session I examination saw  
02:51 25 the female's name on the list for one of the



02:51 1 second session tests. This proctor entered the  
2 room where the second session test was being taken  
3 but did not see the lady in the pink ball cap,  
4 instead there was a man taking the test in the  
02:51 5 female's name.

6                   Investigators later learned that this  
7 man name -- this man was the defendant who has  
8 been a substitute teacher in the Memphis city  
9 schools.

02:51 10                   The proctor then found the lady in the  
11 pink ball cap in another room. She asked for the  
12 lady's I.D. but the lady refused and walked out.

13                   The lady in the pink ball cap was  
14 taking the second session test in another  
02:51 15 individual's name.

16                   The proctor, another proctor then  
17 examined the seating charts for the examinations  
18 taken on that date. They determined that the man  
19 taking the test in the female's name during the  
02:51 20 second session, that is the defendant, had taken a  
21 test during the first session in a different  
22 person's name.

23                   They found that yet another person was  
24 testing in that male's name, the name the  
02:52 25 defendant used in the first session during the

02:52 1 second session.

2                   They also found that that individual  
3 had tested in the name of yet another person  
4 during the first session.

02:52 5                   The proctor then approached this  
6 individual and asked for his I.D. saying that she  
7 needed to check on something. This man asked if  
8 he could get a drink of water and was told no, but  
9 did so anyway. He never returned.

02:52 10                  The other test-takers left leaving the  
11 defendant behind. He admitted to university  
12 police that he had been paid to take tests on  
13 behalf of other people.

14                  After this incident ETS conducted an  
02:52 15 investigation and informed the Tennessee  
16 Department of Education which later referred the  
17 investigation to the Tennessee Bureau of  
18 Investigation.

19                  The investigators interviewed dozens  
02:52 20 of individuals and obtained bank loan and testing  
21 records to identify participants in the scheme.

22                  The defendant was interviewed multiple  
23 times and admitted that he had met Clarence  
24 Munford during the 1994 to 1995 school year when  
02:53 25 Munford was the assistant principal at Humes High

02:53 1 School and the defendant was a substitute teacher.  
2 Munford asked if he was skilled taking  
3 tests. When the defendant replied that he was,  
4 Munford offered him \$200 per test to take PRAXIS  
02:53 5 examinations.

6 The defendant stated that he had taken  
7 PRAXIS examinations off and on between 1995 and  
8 2000, and from 2000 to 2010 he had taken about  
9 three or four tests per years. Although he was  
02:53 10 originally paid two hundred dollars per test, he  
11 was later paid five hundred dollars for two hour  
12 tests and six hundred dollars for three hour  
13 tests.

14 The defendant stated that as part of  
02:53 15 the scheme he gave his identification to Munford  
16 so that Munford could create altered  
17 identifications for the test.

18 The defendant said he had observed  
19 Munford altering an I.D. by drawing a picture of a  
02:53 20 test -- a picture of a test-taker under the  
21 laminate of the identification of the person for  
22 whom the test-taker was taking the test.

23 He stated that Munford would collect  
24 money and an identification from the person paying  
02:54 25 for the test and then give the defendant an

02:54 1 altered I.D. and payment in an envelope before the  
2 test.

3 Munford often mailed the I.D. back to  
4 the teacher or aspiring teacher after the test was  
02:54 5 taken.

6 The defendant stated that he  
7 originally took examinations at the University of  
8 Memphis but later began taking tests at different  
9 locations in Mississippi, Arkansas and Tennessee  
02:54 10 to better avoid detection from individuals that  
11 were or may have been familiar with him.

12 Investigators executed a search  
13 warrant at Munford's house in Memphis in September  
14 2010 and found various identification documents  
02:54 15 including copies of the defendant's identification  
16 cards and multiple driver licenses with the  
17 photograph of the defendant upon the driver's  
18 license of other individuals.

19 They found a computer and a printer,  
02:54 20 laminating sheets cut to the size of a driver's  
21 license, cash, ETS PRAXIS documentation. Letters  
22 to Munford from people who had paid him for tests  
23 and handwritten notes with identification data  
24 such as Social Security numbers.

02:55 25 After the search warrant the

02:55 1 investigation continued. Investigators learned  
2 that numerous registrations for PRAXIS  
3 examinations were associated with Clarence  
4 Munford's Memphis city schools electronic mail  
02:55 5 address.

6 They also learned that numerous  
7 registrations had been made paid with Munford's  
8 credit card.

9 Investigators followed up on those  
02:55 10 leads. They learned that a female whose initials  
11 are AM was registered for a PRAXIS examination on  
12 or about March 15th, 2008, and that the defendant  
13 took the test on AM's behalf using an  
14 identification created by Munford with AM's  
02:55 15 identification information and Bowen's picture.

16 The first name of the female's name  
17 was altered to make it look more like a male name.

18 They also learned that an individual  
19 whose initials are LE was registered for a PRAXIS  
02:56 20 examination on or about May 13th, 2008, and that  
21 the defendant took the test on LE's behalf using  
22 an identification created by Munford with LE's  
23 identification information and Bowen's picture.

24 They learned that an individual whose  
02:56 25 initials are LH was registered for a PRAXIS

02:56 1 examination or for PRAXIS examinations on or about  
2 May 20th, 2008 and June 20th, 2009, and that the  
3 defendant took those tests on LH's behalf using an  
4 identification created by Munford with LH's  
02:56 5 identification and Bowen's picture.

6 The first -- this was a female whose  
7 first name was altered to make it look more like a  
8 male name.

9 Also an individual whose initials are  
02:56 10 TW was registered for a PRAXIS examination on or  
11 about July 31st, 2008. The defendant took the  
12 test on TW's behalf using an identification  
13 created by Munford with TW's identification  
14 information and Bowen's picture.

02:57 15 An individual whose initials are VH --

16 **THE COURT:** Excuse me, Mr. Fabian.

17 How many examples do you have there?

18 **MR. FABIAN:** These are -- there are  
19 three more to go, Your Honor. These are the  
02:57 20 named -- the listed overt acts in the Information.

21 A female whose initials are VH was  
22 registered for PRAXIS examination on April 25th,  
23 2009. The defendant took the test on VH's behalf  
24 using identification created by Munford with her  
02:57 25 information and Bowen's picture.

02:57 1           The last two allegations are identical  
2 and the initials in -- in these cases are VM and  
3 EB. The PRAXIS examination dates are May 19th,  
4 2009 for VM and June 13th, 2009 for EB. Both  
02:57 5 involved the use of a fraudulent identification,  
6 the same as mentioned previously.

7           And that would conclude the  
8 government's offer of proof, Your Honor.

9           **THE COURT:** Thank you.

02:58 10          Mr. McAfee, can you stipulate as to  
11 the facts?

12          **MR. MCAFEE:** Your Honor, I  
13 respectfully stipulate that there is a factual  
14 basis, that that would have been the proof that  
02:58 15 the government would have offered at a trial. I  
16 respectfully ask the court to accept this  
17 negotiated plea.

18          **THE COURT:** All right. Thank you.

19          Mr. Bowen, I don't know if I put you  
02:58 20 under oath. If I --

21          **MR. MCAFEE:** I do not believe you did.

22          **THE COURT:** If you would raise your  
23 right hand, please.

24          Do you solemnly swear or affirm, under  
02:58 25 the penalties of perjury, the testimony that you

02:58 1 are about to provide the court in this matter will  
2 be the truth, be the truth, the whole truth and  
3 nothing but the truth, so help you God?

4 THE WITNESS: Yes, sir. Okay. You  
02:58 5 can put your hand down.

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02:58

1

JOHN BOWEN,

2

was thereupon called as a witness on behalf of the

3

Court, and having been first duly sworn,

4

was examined and testified as follows:

02:58

5

DIRECT EXAMINATION

6

BY THE COURT:

7

Q. Okay. You're John Bowen?

8

A. Yes, sir.

9

Q. Okay. Mr. Bowen, how old are you, sir?

02:58

10

A. I will be 64 on September the 18th.

11

Q. How far did you go in school?

12

A. I have a master's, a M.A. from the Ohio State University.

13

14

Q. Okay. College educated?

02:58

15

A. Yes, sir.

16

Q. So you can read and write and understand everything that's going on?

17

18

A. Yes, sir.

19

Q. No medications that you are on right now or anything that would cloud your understanding?

02:58

20

21

A. No, sir.

22

Q. All right. Did you hear the facts that the prosecutor gave me?

23

24

A. Yes, I did.

02:59

25

Q. Were you involved in that conspiracy and did

02:59 1 you do those things?

2 A. Yes, sir, I did.

3 Q. You're ready to plead guilty then?

4 A. Yes, sir.

02:59 5 Q. All right. I need to go over with you the  
6 rights that you are waiving, the agreement that you  
7 are entering into, I just need to make sure that you  
8 understand everything.

9 A. Okay.

02:59 10 Q. Okay. First off, your first right, you have an  
11 absolute right to have this case presented to the  
12 grand jury. In fact, I can't even proceed today  
13 unless you waive your right to have it presented to  
14 the grand jury.

02:59 15 I think what your lawyer has there, Mr. McAfee  
16 has, is a waiver of indictment and presentment there.  
17 I think you're looking at that document now.

18 A. Yes, sir.

19 Q. Have you had opportunity to read it?

02:59 20 A. Yes, I have.

21 Q. Do you understand it?

22 A. Yes, sir, I do.

23 Q. And have you discussed it thoroughly with your  
24 lawyer?

02:59 25 A. Yes, I have.

02:59 1 Q. And did you sign the document?

2 A. Yes, I did.

3 Q. And also Mr. McAfee signed it?

4 A. Yes, sir.

02:59 5 Q. Is that how you want to proceed today?

6 A. Yes, sir.

7 Q. Okay. You can sit that down now.

8 And next the plea agreement, we will go over

9 that in just a few minutes, but the other rights that

03:00 10 you have, you have an absolute right to have a jury

11 trial in this case. I understand you are pleading

12 guilty, we're going to have a sentencing hearing out

13 several months from now, but at this point you do have

14 the right to have a jury trial?

03:00 15 A. I understand.

16 Q. If you told me that you want a trial, I would

17 set a trial date and call for a jury. The jurors

18 would sit in those chairs right over there and listen

19 to the testimony of all the witnesses. Those

03:00 20 allegations that the prosecutor just went into, the

21 prosecutor would have to bring witnesses down here and

22 present all those facts to the jury. They would have

23 to convince the jury beyond a reasonable doubt of your

24 guilt of the offense.

03:00 25 You would be present in the courtroom when

03:00 1 those witnesses testify. Mr. McAfee would be with  
2 you. He would be able to question those witnesses,  
3 cross examine the witnesses. In other words, you have  
4 the right to confront the witnesses.

03:01 5 Do you understand?

6 A. I understand that, yes, sir.

7 Q. After the government presented its cases, you  
8 would have an opportunity to present witnesses. If  
9 you had a defense or any other witnesses, your lawyer,  
03:01 10 Mr. McAfee, would subpoena those witnesses and get  
11 them down here to testify.

12 If he had trouble getting them down here, if  
13 they tried to refuse, I would send the marshal's  
14 service out to go and get those witnesses and bring  
03:01 15 them down here to testify.

16 You also have the right to testify. You have  
17 the right to remain silent. If you told me that you  
18 did not want to testify, I would instruct the jury  
19 accordingly, that they could use the fact of you  
03:01 20 remaining silent for no purpose whatsoever in the case  
21 or in their decision.

22 On the other hand, if you wanted to testify,  
23 you would be given the opportunity to tell the jury in  
24 your own words what happened. And I would instruct  
03:01 25 the jury that they would have to consider your

03:01 1 testimony as they would any other witness testimony  
2 during the trial.

3 Do you understand?

4 A. Yes, sir, I understand that.

03:02 5 Q. Now after the -- after all the witnesses have  
6 been called and the jury was instructed as to the law,  
7 the jury would decide whether or not you were guilty.

8 Of course, if they found you guilty, I would  
9 sentence you according to the law and you have the  
03:02 10 right to appeal the sentence and the conviction to the  
11 Court of Appeals.

12 Do you understand?

13 A. Yes, sir, I understand that.

14 Q. As far as that right of appeal goes, you have  
03:02 15 the right to be the represented by counsel, Mr. McAfee  
16 would handle that, and if for some reason he couldn't,  
17 if you needed a lawyer, I would appointment one for  
18 you.

19 Do you understand?

03:02 20 A. Yes, sir, I understand.

21 Q. But you see, when you plead guilty, you give up  
22 all those rights. The case isn't going to be  
23 presented to the grand jury. We have this  
24 Information. It's not going to be a trial. It's not  
03:02 25 going to be an appeal as far as the trial is

03:02 1 concerned. The only thing is this plea agreement that  
2 you're entering into.

3 Do you understand?

4 A. Yeah, I'm clear about that, sir.

03:02 5 Q. Are you doing this freely and voluntarily?

6 A. Yes, sir.

7 Q. Is anyone forcing you to plead guilty?

8 A. No, sir.

9 Q. Who made the decision to plead guilty today?

03:03 10 A. I -- I did.

11 Q. Are you satisfied with the representation that  
12 your lawyer has given you?

13 A. Yes, I am.

14 Q. Okay. Now the plea agreement, we're going to  
03:03 15 go over that.

16 First of all, the first provision there under  
17 paragraph one is that, of course, you are voluntarily  
18 entering a plea of guilty.

19 You understand that, don't you?

03:03 20 A. Yes, sir.

21 Q. Okay. Your plea is freely and voluntarily  
22 given?

23 A. Yes, sir.

24 Q. Okay. You're waiving the right to -- to appeal  
03:03 25 except for any issue as far as ineffective assistance

03:03 1 of counsel or prosecutorial misconduct is concerned.

2 Do you understand?

3 A. Yes, sir.

4 Q. Okay. And I'm assuming you discussed all of  
03:03 5 that with your attorney?

6 A. I did.

7 Q. Of course, you're pleading guilty to the -- the  
8 allegations in the Information and we will have a  
9 sentencing hearing in several months in order to  
03:04 10 determine the exact sentence involved.

11 Now you understand this conspiracy.

12 THE COURT: Mr. Fabian, what is the  
13 range of punishment as far as the conspiracy is  
14 concerned?

03:04 15 MR. FABIAN: Your Honor, the -- the  
16 government has not calculated that with -- with --

17 THE COURT: I'm not talking about  
18 Sentencing Guidelines, I'm talking  
19 about statutory.

03:04 20 MR. FABIAN: I apologize, Your Honor.

21 The statutory maximum sentence is no  
22 more than five years, no more than a 250,000  
23 dollar fine, or both. No more than one year of  
24 supervised release, and a mandatory special  
03:04 25 assessment of one hundred dollars.

03:04 1           **THE COURT:** I needed to just double  
2 check that, I thought that's way it was when I  
3 worked over here, but I wasn't sure.

4           **MR. FABIAN:** I apologize for  
03:04 5 misunderstanding you question, Your Honor.

6           **THE COURT:** No problem.

7 **BY THE COURT:**

8 **Q.**       So, Mr. Bowen, do you understand the statutory  
9 range of punishment?

03:05 10 **A.**       Yes, I do.

11 **Q.**       That you're facing up to five years  
12 confinement?

13 **A.**       Yes, sir.

14 **Q.**       Now I'm not saying that's what your sentence is  
03:05 15 going to be. At the proper time at the sentencing  
16 hearing the probation office will calculate your  
17 sentencing range.

18           They will also present to me your background  
19 information, any criminal history, your family  
03:05 20 circumstances, all the information necessary. And at  
21 the sentencing hearing is when we will calculate all  
22 of that.

23           Do you understand?

24 **A.**       I understand that.

03:05 25 **Q.**       Now you realize that the United States agrees



03:05 1 to recommend acceptance of responsibility, the full  
2 three point acceptance of responsibility.

3 Do you understand that it is ultimately my  
4 decision as far as acceptance of responsibility is  
03:05 5 concerned?

6 A. Yes, sir, I have discussed it with my attorney.

7 Q. Okay. And if by chance you don't receive that,  
8 it's not grounds for you to withdraw your plea.

9 Do you understand that?

03:06 10 A. I understand.

11 Q. Okay. You see you have an agreement as far as  
12 the relevant conduct is concerned, the value of the  
13 loss and it is set at a maximum of \$70,000.

14 Do you understand that?

03:06 15 A. Yes, sir.

16 Q. Okay. And there's a possibility as far as a  
17 special or 5K1 and assistance is concerned, that that  
18 is up to the United States to make that recommendation  
19 at sentencing.

03:06 20 Do you understand?

21 A. I understand that, sir.

22 Q. Okay. And as far as I can tell this is the  
23 full agreement between yourself and the United States,  
24 is that correct?

03:06 25 A. Yes, sir.

03:06 1 Q. You understand this is a felony that you are  
2 pleading guilty to?

3 A. Yes, sir, I understand.

4 Q. It's what we call you're rendered infamous,  
03:06 5 that means you lose certain rights, like the right to  
6 vote --

7 A. Yes, sir.

8 Q. -- and the right to sit on a jury, and from  
9 this day forward it will be illegal for you to possess  
03:07 10 a firearm --

11 A. I understand.

12 Q. -- do you understand?

13 Do you have any questions about this at all?

14 A. No, I do not.

03:07 15 Q. Is this how you want to proceed?

16 A. Yes, sir.

17 Q. Okay.

18 THE COURT: Anything I've overlooked  
19 from either side?

03:07 20 MR. FABIAN: Your Honor, the only  
21 thing, I'm not sure if I did not hear it, but if  
22 the court made a specific finding of the waiver of  
23 right to appeal the sentence was knowing and  
24 voluntary.

03:07 25 THE COURT: Okay. I can ask him that.

03:07 1 BY THE COURT:

2 Q. I think I asked you if you realized that you  
3 were giving up the right to appeal with the exception  
4 of any issues of ineffective assistance of counsel --

03:07 5 A. Yes, sir.

6 Q. -- or prosecutorial misconduct. If I didn't  
7 ask you that, I will give ask you that now.

8 A. Yes, sir, I understand.

9 Q. So as far as the sentencing is concerned,  
03:07 10 unless I fix a sentence outside the guideline range,  
11 there is no -- there is no appeal?

12 A. I understand.

13 Q. Okay.

14 MR. MCAFEE: Respectfully, outside the  
03:08 15 statutory range.

16 THE COURT: Yes.

17 MR. FABIAN: Thank you, Your Honor.

18 THE COURT: All right. Anything else?

19 MR. FABIAN: No, Your Honor.

03:08 20 THE COURT: Okay.

21 MR. MCAFEE: The primary documents.

22 THE COURT: Yes, they will need to be  
23 filed with the clerk there, the Information as  
24 well as -- rather the plea agreement and the  
03:08 25 Waiver of Indictment.

03:08 1 Now as far as release is concerned.  
2 Okay. I don't know if you all have  
3 talked about that whether there's any type of  
4 process.

03:08 5 **MR. FABIAN:** Your Honor, the defendant  
6 has been on -- we have not discussed that. The  
7 defendant has been compliant. The government  
8 would have no problem with ROR.

9 I guess he -- I believe he is required  
03:08 10 to report to the marshals on the tenth floor to be  
11 processed.

12 **THE COURT:** I think he is going to  
13 have to go to the marshals to be processed.

14 **MR. FABIAN:** That's correct. But as  
03:09 15 far as release, the government has no -- we would  
16 prepared ROR.

17 **THE COURT:** How long has he known  
18 about these charges?

19 **MR. MCAFEE:** Oh, my goodness, let me  
03:09 20 see.

21 **THE COURT:** A number of months, weeks?

22 **MR. FABIAN:** A number of months, yeah,  
23 he has been aware of the investigation for quite  
24 sometime, and it's for over a year.

03:09 25 **MR. MCAFEE:** That's right.

03:09 1           **THE COURT:** I believe you indicated in  
2 your statement that he gave statements of  
3 admission when he was contacted?

4           **MR. FABIAN:** That's correct.

03:09 5           **THE COURT:** All right. We will go  
6 ahead and show it on ROR release.

7           **MR. MCAFEE:** Thank you, Your Honor.

8           **THE COURT:** But he is going to have to  
9 be processed through the marshals.

03:09 10          **MR. MCAFEE:** Yes, sir.

11          **THE COURT:** Okay. I need an address  
12 and phone number at this time.

13          **MR. JOHN BOWEN:** My address, 4587  
14 Buffer, B-u-f-f-e-r Drive, 38128.

03:09 15          **MR. MCAFEE:** Your Honor, because we  
16 have press in the courtroom, may I approach with  
17 his phone number?

18          **THE COURT:** All right. Approach the  
19 sidebar.

03:10 20               (The following proceedings had at side-bar  
21 bench.)

22          **MR. MCAFEE:** 748-5072, I will verify  
23 with him that is a five but it is his writing.

24               While I am up here could I just  
03:10 25 mention so it will save you time later?

03:10 1           **THE COURT:** Right, go ahead.

2           **MR. MCAFEE:** I know the court's policy  
3 is for us to help probation. I am going to be  
4 available, I've told them on the last case and it  
03:10 5 will be true on this one, that I'm available every  
6 afternoon next week except Thursday afternoon when  
7 I have a case over here. We are trying to meet  
8 with the agents today because they may need him  
9 for grand jury in a week or so, whenever it is.  
03:10 10 And so I can't do it today, but I'm not going to  
11 stall them, I can keep up with them.

12           **THE COURT:** I understand, I don't  
13 think that you are one of the problems. They said  
14 sometimes it's a month before they can get the  
03:11 15 files from the United States and a month before  
16 they can interview folks just because of lawyers  
17 and their difficulty in this.

18           **MR. MCAFEE:** I've been a problem  
19 before but I'm not right now.

03:11 20           **THE COURT:** All right. Thank you.

21           (The following proceedings were had in  
22 open court.)

23           **THE COURT:** Anything else we can deal  
24 with today?

03:11 25           **MR. FABIAN:** No, Your Honor.

03:11 1 THE COURT: Okay. Thank you,  
2 gentlemen.  
3 MR. MCAFEE: Did the court want to set  
4 a sentencing date?  
03:11 5 THE COURT: Yeah, we do need to get a  
6 date.  
7 THE CLERK: December the 7th at 10:30.  
8 MR. MCAFEE: When is time that I set  
9 for an hour and a half ago?  
03:11 10 THE CLERK: Friday at 9:30, the same  
11 date at 9:30.  
12 MR. MCAFEE: 9:30, okay.  
13 THE CLERK: Yes.  
14 MR. FABIAN: Did you say 10:30, Lori?  
03:11 15 THE CLERK: 10:30.  
16 MR. FABIAN: Thank you.  
17 MR. MCAFEE: I think that will work, I  
18 think I will be here.  
19 THE COURT: Okay. Thank you.  
03:12 20 MR. MCAFEE: Thank you.  
21 MR. FABIAN: Thank you, Your Honor.  
22 (Adjournment at 3:12 p.m.)  
23  
24  
25

C E R T I F I C A T E

I, Lynn Dudley, do hereby certify that the foregoing 38 pages are, to the best of my knowledge, skill and ability, a true and accurate transcript from my stenotype notes of the change of plea hearing on September 7, 2012, in the matter of:

United States of America

vs.

JOHN BOWEN

Dated this 5th day of December 2012.

-----  
Lynn Dudley  
Official Court Reporter  
United States District Court  
Western District of Tennessee



# FABIAN

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CLARENCE MUMFORD

SAMUEL CAMPBELL

DANTE DOWERS

DARCEL GARDNER

STEVE HOLMES

VALERIE HUMPHREY

CARLO MCCLELLAND

JACKLYN MCKINNIE

JADICE MOORE

CLARENCE MUMFORD, JR.

SARAH RICHARD

JERYL SHAW

KIMBERLY TAYLOR

Defendants.

Cr. No. 12-CR-20173-An/P

18 U.S.C. § 2

18 U.S.C. § 1028(a)(2)

18 U.S.C. § 371

18 U.S.C. § 1028(a)(1)

18 U.S.C. § 1028(a)(5)

18 U.S.C. § 1028(a)(7)

18 U.S.C. § 1028A(a)(1)

18 U.S.C. § 1341

18 U.S.C. § 1343

42 U.S.C. § 408(a)(7)(B)

## SECOND SUPERCEDING INDICTMENT

### THE GRAND JURY CHARGES:

#### INTRODUCTION

1. At all times material herein:

a. Educational Testing Service ("ETS") was a private nonprofit educational testing and assessment organization with headquarters in Princeton, New Jersey. One series of tests written and administered by ETS was the PRAXIS series, components of which are required by many states for individuals entering the teaching profession or for teachers obtaining subject-specific endorsements on their teaching licenses.

b. Arkansas, Mississippi and Tennessee were among the states that required individuals entering the teaching profession and teachers obtaining subject-specific endorsements on their teaching licenses to take and pass PRAXIS examinations.

c. In Arkansas, other than certain out-of-state teachers obtaining reciprocal licenses, participants in a temporary non-traditional licensure program, and professionals teaching a limited number of classes per day, teachers were required to take and pass PRAXIS examinations to be licensed.

d. In Mississippi, other than certain out-of-state teachers obtaining reciprocal licenses, teachers were required to take and pass PRAXIS examinations to be licensed. In the past, Mississippi has issued temporary transitional/emergency licenses that did not require passage of PRAXIS examinations.

e. In Tennessee, other than teachers who obtained their licenses prior to 1984, certain out-of-state teachers obtaining reciprocal licenses, and teachers using transitional licenses, teachers were required to take and pass PRAXIS examinations to be licensed.

f. ETS charged fees to individuals who took the PRAXIS examinations. The results of the examination were relied upon by the Departments of Education in Arkansas, Mississippi and Tennessee for the issuance of licenses.

g. Because Tennessee and Mississippi required an individual's social security number to process educator certification paperwork, individuals taking PRAXIS examinations were required to provide their social security numbers to ETS as part of the PRAXIS registration process. Because Arkansas required the last four digits of an individual's social security number to process educator certification paperwork, individuals taking PRAXIS examinations were required to provide the last four digits of their social security numbers to ETS as part of the PRAXIS registration process.

h. ETS owned copyrights in the PRAXIS examinations and questions, and the registered trademark, "PRAXIS," as used on the examinations and score reports. ETS also developed specialized test administration and scoring services for the PRAXIS examinations. To keep its PRAXIS product exclusive, secure and confidential, ETS

restricted access to and use of its copyrighted PRAXIS examinations and questions and trademarked PRAXIS score reports, as well as its PRAXIS test administration and scoring services.

i. Individuals taking the PRAXIS examination tests registered for the tests online. The registration process therefore involved wire communications from the computers at which registrants registered with ETS in Princeton, New Jersey.

j. Individuals taking the PRAXIS examination tests signed confidentiality statements certifying that the person taking the test was the person whose name and address was used in the application process. In addition, those taking the test agreed to maintain the full confidentiality of all test questions and agreed not to reproduce and/or disclose any test question to anyone. Individuals unwilling to agree to these conditions would not be permitted to take an examination. Each individual taking a PRAXIS was also required to present his or her driver's license at the test-taking center.

k. Once an exam was completed, exam results were wired from the test location in Arkansas, Mississippi or Tennessee to ETS in Princeton, New Jersey for processing. The individuals in whose name the exams were registered obtained their scores either via a score report mailed to them by ETS or via interstate wire communication through use of the internet.

l. ETS developed substantial goodwill from development and administration of the PRAXIS examinations, some of which was based on the integrity of the testing processes. ETS had property interests in the PRAXIS product, including (i) materials bearing its trademarks, such as the PRAXIS examinations and score reports, (ii) its copyrighted materials, such as the PRAXIS examinations and their questions, and (iii) the ETS-specified test administration and scoring services for the PRAXIS examinations. ETS also had property interests in the value of its goodwill, which is an asset of ETS and is based, in part, on maintaining the integrity of the testing and security process.

m. Tennessee teachers' licenses, issued by the Tennessee Department of Education, provided licensees with access to substantial economic benefits. In addition to their salaries, Tennessee teachers obtained coverage under the Tennessee Consolidated Retirement System, which provided retirement, disability and survivor benefits.

n. Arkansas teachers' licenses, issued by the Arkansas Department of Education, provided licensees with access to substantial economic benefits. In addition to their salaries, Arkansas teachers obtained coverage under the Arkansas Teacher Retirement System, which provided retirement, age and service, disability, survivor and purchasing service credit benefits.

o. Mississippi teachers' licenses, issued by the Mississippi Department of Education, provided licensees with access to substantial economic benefits. In addition to their salaries, Mississippi teachers obtained coverage under the Public Employees' Retirement System of Mississippi, which provides retirement, disability, and survivor benefits.

p. Possession of a teacher's license enabled licensees to contract with school districts. The school districts' contracts had economic value to the contracting districts and to the teachers who contracted with them.

**COUNT 1**

**THE CONSPIRACY**

1. Beginning in or about January 1995, the exact date being unknown to the Grand Jury, and continuing until at least on or about July 8, 2010, in the Western District of Tennessee, and elsewhere, the defendant,

----- **CLARENCE MUMFORD** -----

did unlawfully, willfully and knowingly combine, conspire, confederate and agree with Memphis City Schools employees and/or former employees hereinafter identified as "JB", "FK", "CS", and "SS", and with other persons known and unknown to the Grand Jury, to commit offenses against the United States, that is:

- a. To use and cause to be used the United States mail in furtherance of a scheme and artifice to defraud and for obtaining money and property by means of false and fraudulent pretenses, representations and promises, in violation of Title 18, United States Code, Section 1341;
- b. To use and cause to be used interstate wire communications in furtherance of a scheme and artifice to defraud and for obtaining money or property by means of false or fraudulent pretenses, representations and promises, in violation of Title 18, United States Code, Section 1343;
- c. Producing an identification document, authentication feature, or false identification document without lawful authority, in violation of Title 18, United States Code, Section 1028(a)(1);
- d. Transferring an identification document, authentication feature, or a false identification document knowing that the document or feature was produced without lawful authority, in violation of Title 18, United States Code, Section 1028(a)(2);
- e. Producing, transferring or possessing a document-making implement or authentication feature with the intent such document-making implement or authentication

feature will be used in the production of a false identification document, in violation of Title 18, United States Code, Section 1028(a)(5);

f. Transferring, possessing or using, without lawful authority, a means of identification of another person with the intent to commit, or to aid or abet, or in connection with, any unlawful activity that constitutes a violation of Federal law, or that constitutes a felony under any applicable State or local law; in violation of Title 18, United States Code, Section 1028(a)(7);

g. During and in relation to the commission of violations of Title 18, United States Code, Sections 1341, 1343, 1028(a)(1), 1028(a)(2) and 1028(a)(5); knowingly transferring, possessing, and using, without lawful authority, a means of identification of another person, in violation of Title 18, United States Code, Section 1028A(a)(1); and

h. Falsely representing a Social Security number to be assigned to a person other than the person to whom the number is truly assigned, with intent to deceive, for the purpose of obtaining any payment or any other purpose, in violation of Title 42, United States Code, Section 408(a)(7)(B).

#### **OBJECTS OF THE CONSPIRACY**

2. The objects of the conspiracy are set forth as follows:

a. It was an object of the conspiracy to defraud ETS of property by obtaining access to and use of ETS's trademarked materials, copyrighted materials and services, by obtaining ETS's official score report, and by obtaining the benefit of, and undermining, ETS's goodwill and the value of its trademark and copyright.

b. It was an object of the conspiracy to defraud the Arkansas, Mississippi and Tennessee Departments of Education of licensing materials by falsely representing to the said Departments of Education that teachers and aspiring teachers seeking licenses and endorsements on teaching licenses had, in fact, passed required PRAXIS

examinations when, as **DEFENDANT CLARENCE MUMFORD** then well knew, the teachers and aspiring teachers had not passed the required examinations.

c. It was an object of the conspiracy to defraud local school districts in Arkansas, Mississippi and Tennessee by falsely representing to the school districts that teachers using **DEFENDANT CLARENCE MUMFORD'S** services had passed PRAXIS examinations and were properly licensed and thereby causing school districts to enter into contractual relationships with individuals who had not, in fact, passed PRAXIS examinations and were not, in fact, properly licensed.

d. It was an object of the conspiracy to produce false identification documents without lawful authority; and to transfer identification documents, authentication features and false identification documents knowing they were produced without lawful authority; and to transfer and possess authentication features knowing they would be used in production of a false identification document; and to transfer, possess and use means of identification of other persons, knowingly and with intent to commit, and to aid and abet, and in connection with activities constituting violations of federal law.

e. It was an object of the conspiracy for test-takers to use the social security numbers of individuals who had negotiated with **DEFENDANT CLARENCE MUMFORD** to have tests taken as part of the PRAXIS registration process to register for the PRAXIS examinations.

f. It was a principle object and purpose of the conspiracy to carry out and to execute the above-listed objects of the conspiracy for the ultimate personal gain, benefit, profit, advantage, and accommodation of **DEFENDANT CLARENCE MUMFORD** and his co-conspirators.

**MANNER AND MEANS OF THE  
CONSPIRACY AND SCHEME TO DEFRAUD**

3. The manner and means by which the conspiracy and the scheme and artifice to defraud functioned is more particularly set forth as follows:

a. It was part of the conspiracy and the scheme and artifice to defraud that **DEFENDANT CLARENCE MUMFORD** was an individual to whom teachers or individuals aspiring to be teachers who were – and/or believed they were – unable to pass PRAXIS examinations could go to arrange for another individual to take PRAXIS examinations on behalf of each teacher or aspiring teacher. Teachers and aspiring teachers in schools in Memphis and Shelby County, as well as in Arkansas and in Mississippi, made use of **DEFENDANT CLARENCE MUMFORD'S** services.

b. It was further part of the conspiracy and the scheme and artifice to defraud that **DEFENDANT CLARENCE MUMFORD** directed teachers or individuals aspiring to be teachers to provide **DEFENDANT CLARENCE MUMFORD** with their driver's' licenses, often through the United States mail. **DEFENDANT CLARENCE MUMFORD** paid co-conspirators JB, FK, CS and SS and other individuals to take tests on behalf of the teachers or aspiring teachers (hereinafter "test-takers"), and obtained the test-takers' driver's licenses as well. **DEFENDANT CLARENCE MUMFORD** then created fraudulent driver's licenses with the information of a teacher or aspiring teacher and a superimposed or otherwise attached photograph of a test-taker.

c. It was further part of the conspiracy and the scheme and artifice to defraud that **DEFENDANT CLARENCE MUMFORD** gave the teachers or aspiring teachers instructions regarding when and where to register for the PRAXIS examination for which the teacher or aspiring teacher sought a passing score. Sometimes **DEFENDANT CLARENCE MUMFORD** completed the registration for the teacher or aspiring teacher. The registration was done online. **DEFENDANT CLARENCE MUMFORD** sometimes



used his credit card or otherwise instructed the teacher or aspiring teacher to use his credit card to pay the registration fee for the teacher or aspiring teacher. **DEFENDANT CLARENCE MUMFORD** also sometimes used his electronic mail address or otherwise instructed the teacher or aspiring teacher to use his electronic mail as the contact electronic mail address during the PRAXIS registration process.

d. It was further part of the conspiracy and the scheme and artifice to defraud that the teacher or aspiring teacher's social security number was used in the PRAXIS registration process. Often, **DEFENDANT CLARENCE MUMFORD** instructed teachers or aspiring teachers to send him the teacher's or aspiring teacher's social security number along with the teacher's or aspiring teacher's driver's license, if the driver's license did not contain a social security number. The score reports mailed by ETS contained the social security numbers of the teachers or aspiring teachers.

e. It was further part of the conspiracy and the scheme and artifice to defraud that **DEFENDANT CLARENCE MUMFORD** directed the teacher or aspiring teacher to pay him for his services. Payments fell in ranges varying from approximately \$1,500 per test to approximately \$3,000 per test, depending on what test and the time frame in which the test was taken. The payments were sometimes in the form of cash and, more often, in the form of cashier's checks or money orders. Sometimes the payments were hand delivered, but most often **DEFENDANT CLARENCE MUMFORD** directed the teacher or aspiring to teacher to send the payment via United States mail. **DEFENDANT CLARENCE MUMFORD** obtained tens of thousands of dollars from teachers and aspiring teachers during the course of the conspiracy.

f. It was further part of the conspiracy and the scheme and artifice to defraud that **DEFENDANT CLARENCE MUMFORD** paid the test-takers for their services.

g. It was further part of the scheme and artifice to defraud that test-takers would appear at the test sites, which were located in Arkansas, Mississippi and Tennessee,

and falsely identify themselves as individuals in whose names the registrations for the tests were completed.

h. It was further part of the scheme and artifice to defraud that the test-taker, posing as the individual in whose name the registration for the test was completed, would then sign the confidentiality statement in the name of the person whose name and address was used in the application process.

i. It was further part of the scheme and artifice to defraud that, once the examination was processed, the results were mailed to a location controlled by **DEFENDANT CLARENCE MUMFORD** or to one of his co-conspirators in Arkansas, Mississippi or Tennessee.

#### **OVERT ACTS IN FURTHERANCE OF THE CONSPIRACY**

4. At all times hereinafter mentioned, during the pendency of the conspiracy, the following overt acts were engaged in, in the Western District of Tennessee and elsewhere, at least one of which furthered and effected the goals of said combination, conspiracy, confederation and agreement:

a. Overt acts related to **DEFENDANT JACKLYN MCKINNIE** include the following acts on or about the dates listed below:

Overt Act No.	Date	Act
1	10.24.2007	Sometime in approximation to but before this date, <b>DEFENDANT JACKLYN MCKINNIE</b> or someone acting on her behalf registered online for a PRAXIS examination to be taken on November 17, 2007 in her name by a test-taker sent by <b>DEFENDANT CLARENCE MUMFORD</b> . The registration involved the use of <b>DEFENDANT JACKLYN MCKINNIE's</b> social security number.
2	11.17.2007	Sometime in approximation to but before this date, <b>DEFENDANT CLARENCE MUMFORD</b> obtained JB's and <b>DEFENDANT JACKLYN MCKINNIE's</b> driver's licenses. <b>DEFENDANT CLARENCE MUMFORD</b> used the driver's licenses to create a false

		identification with <b>DEFENDANT JACKLYN MCKINNIE's</b> name and identifying information, and JB's photograph.
3	11.17.2007	JB took a PRAXIS examination on behalf of <b>DEFENDANT JACKLYN MCKINNIE..</b> To take the examination, JB presented a driver's license with his own picture and <b>DEFENDANT JACKLYN MCKINNIE's</b> name and identifying information.

b. **DEFENDANT CLARENCE MUMFORD, JR.** include the following acts on or about the dates listed below:

Overt Act No.	Date	Act
4	01.12.2008	Sometime in approximation to but before this date, <b>DEFENDANT CLARENCE MUMFORD, JR.</b> or someone acting on his behalf registered online for a PRAXIS examination to be taken on January 12, 2008 in his name by a test-taker sent by <b>DEFENDANT CLARENCE MUMFORD</b> . The registration involved the use of <b>DEFENDANT CLARENCE MUMFORD, JR.'s</b> social security number.
5	01.12.2008	Sometime in approximation to but before this date, <b>DEFENDANT CLARENCE MUMFORD</b> obtained JB and <b>DEFENDANT CLARENCE MUMFORD, JR.'s</b> driver's licenses. <b>DEFENDANT CLARENCE MUMFORD</b> used the driver's licenses to create a false identification with <b>DEFENDANT CLARENCE MUMFORD, JR.'s</b> name and identifying information, and JB's photograph.
6	01.12.2008	JB took a PRAXIS examination on behalf of <b>DEFENDANT CLARENCE MUMFORD, JR..</b> To take the examination, JB presented a driver's license with his own picture and <b>DEFENDANT CLARENCE MUMFORD, JR.'s</b> name and identifying information.
7	06.29.2011	<b>DEFENDANT CLARENCE MUMFORD</b> and <b>DEFENDANT CLARENCE MUMFORD, JR.</b> caused the mailing of teacher licensure application documents by the Memphis City Schools to the Tennessee Department of Education regarding <b>DEFENDANT CLARENCE MUMFORD, JR.'s</b> Tennessee licensing.

- c. Overt acts related to **DEFENDANT CARLO MCCLELLAND** include the following acts on or about the dates listed below:

Overt Act No.	Date	Act
8	01.18.2008	An individual referred to hereinafter as LW prepared a check in the amount of \$1,630.00 that was provided to <b>DEFENDANT MUMFORD</b> and deposited into <b>DEFENDANT MUMFORD'S</b> SunTrust bank account as payment on behalf of <b>DEFENDANT CARLO MCCLELLAND</b> .
9	01.28.2008	JB took a PRAXIS Pre-Profession Skills Test: Writing examination on behalf of CM2.
10	02.05.2008	LW obtained a United States Postal Service Money Order in the amount of \$500.00 that was provided to <b>DEFENDANT MUMFORD</b> and deposited into <b>DEFENDANT MUMFORD'S</b> SunTrust bank account as payment on behalf of <b>DEFENDANT CARLO MCCLELLAND</b> .
11	02.14.2009	LW obtained a United States Postal Service Money Order in the amount of \$450.00 that was provided to <b>DEFENDANT MUMFORD</b> and deposited into <b>DEFENDANT MUMFORD'S</b> SunTrust bank account as payment on behalf of <b>DEFENDANT CARLO MCCLELLAND</b> .
12	02.14.2009	LW obtained a United States Postal Service Money Order in the amount of \$1,000.00 that was provided to <b>DEFENDANT MUMFORD</b> and deposited into <b>DEFENDANT MUMFORD'S</b> SunTrust bank account as payment on behalf of <b>DEFENDANT CARLO MCCLELLAND</b> .
13	03.06.2009	LW obtained a United States Postal Service Money Order in the amount of \$250.00 that was provided to <b>DEFENDANT MUMFORD</b> and deposited into <b>DEFENDANT MUMFORD'S</b> SunTrust bank account as payment on behalf of <b>DEFENDANT CARLO MCCLELLAND</b> .
14	03.06.2009	LW obtained a United States Postal Service Money Order in the amount of \$1,000.00 that was provided to <b>DEFENDANT MUMFORD</b> and deposited into <b>DEFENDANT MUMFORD'S</b> SunTrust bank account as payment on behalf of <b>DEFENDANT CARLO MCCLELLAND</b> .

15	03.14.2009	A test-taker sent by <b>DEFENDANT CLARENCE MUMFORD</b> took a PRAXIS Special Education examination on behalf of <b>DEFENDANT CARLO MCCLELLAND</b> .
16	04.25.2009	A test-taker sent by <b>DEFENDANT CLARENCE MUMFORD</b> took a PRAXIS Elementary Education examination on behalf of <b>DEFENDANT CARLO MCCLELLAND</b> .

d. Overt acts related to **DEFENDANT KIMBERLY TAYLOR** include the following acts on or about the dates listed below:

Overt Act No.	Date	Act
17	01.10.2009	Sometime in approximation to but before this date, <b>DEFENDANT KIMBERLY TAYLOR</b> or someone acting on her behalf registered online for a PRAXIS examination to be taken on January 10, 2009 in her name by SS. The registration involved the use of <b>DEFENDANT KIMBERLY TAYLOR's</b> social security number.
18	01.10.2009	SS took a PRAXIS examination on behalf of <b>DEFENDANT KIMBERLY TAYLOR</b> .
19	03.14.2009	Sometime in approximation to but before this date, <b>DEFENDANT KIMBERLY TAYLOR</b> or someone acting on her behalf registered online for a PRAXIS examination to be taken on March 14, 2009 in her name by SS. The registration involved the use of <b>DEFENDANT KIMBERLY TAYLOR's</b> social security number.
20	03.14.2009	SS took a PRAXIS examination on behalf of <b>DEFENDANT KIMBERLY TAYLOR</b> .

e. Overt acts related to an individual referred to hereinafter as "FT" include the following acts on or about the dates listed below:

Overt Act No.	Date	Act
21	12.02.2009	FT met with <b>DEFENDANT DANTE DOWERS</b> and provided <b>DEFENDANT DANTE DOWERS</b> with several blank money orders from Heritage Banking

		Group in a total amount of \$3,580 along with FT's Social Security Number, date of birth and address.
22	07.08.2010	FT or someone acting on FT's behalf registered online for a PRAXIS examination to be taken on July 8, 2010 in FT's name by JB, sent by <b>DEFENDANT CLARENCE MUMFORD</b> . The registration involved the use of FT's social security number.
23	07.08.2010	Sometime in approximation to but before this date, FT provided his driver's license to <b>DEFENDANT DANTE DOWERS</b> , who provided the driver's license to <b>DEFENDANT CLARENCE MUMFORD</b> .
24	07.08.2010	JB took a PRAXIS examination on behalf of FT. To take the examination, JB presented a driver's license with his own picture and FT's name and identifying information.
25	09.17.2010	Sometime before this date, <b>DEFENDANT CLARENCE MUMFORD</b> obtained FT's and <b>DEFENDANT STEVE HOLMES'</b> driver's licenses. <b>DEFENDANT CLARENCE MUMFORD</b> used the driver's licenses to create a false identification with FT's name and identifying information, and <b>DEFENDANT STEVE HOLMES'</b> photograph.

f. Overt acts related to an individual referred to hereinafter as "DA" include the following acts on or about the dates listed below:

Overt Act No.	Date	Act
26	01.20.2009	DA obtained a cashier's check in the amount of \$2,700.00 that was provided to <b>DEFENDANT CLARENCE MUMFORD</b> and deposited into <b>DEFENDANT CLARENCE MUMFORD'S</b> SunTrust bank account.
27	04.25.2009	DA or someone acting on DA's behalf registered online for a PRAXIS examination to be taken on April 25, 2009 in DA's name by a test-taker sent by <b>DEFENDANT CLARENCE MUMFORD</b> . The registration involved the use of DA's social security number.
28	04.25.2009	A test-taker hired by <b>DEFENDANT CLARENCE MUMFORD</b> took a PRAXIS examination on behalf of DA.



29	12.07.2009	DA obtained a bank check in the amount of \$1,500.00 that was provided to <b>DEFENDANT CLARENCE MUMFORD</b> and deposited into <b>DEFENDANT CLARENCE MUMFORD'S</b> SunTrust bank account.
30	12.29.2009	DA sent a mailing to <b>DEFENDANT CLARENCE MUMFORD</b> .
31	01.09.2010	Sometime in approximation to but before this date, DA or someone acting on DA's behalf registered online for a PRAXIS examination to be taken on January 9, 2010 in DA's name by a test-taker sent by <b>DEFENDANT CLARENCE MUMFORD</b> . The registration involved the use of DA's social security number.
32	01.09.2010	Sometime in approximation to but before this date, <b>DEFENDANT CLARENCE MUMFORD</b> obtained FK and DA's driver's licenses. <b>DEFENDANT CLARENCE MUMFORD</b> used the driver's licenses to create a false identification with DA's name and identifying information, and FK's photograph.
33	01.09.2010	FK took a PRAXIS examination on behalf of DA. To take the examination, FK presented a driver's license with her own picture and DA's name and identifying information.
34	02.03.2010	DA obtained a Commercial Bank personal money order in the amount of \$200.00 that was provided to <b>DEFENDANT CLARENCE MUMFORD</b> and deposited into <b>DEFENDANT CLARENCE MUMFORD'S</b> SunTrust bank account.
35	02.03.2010	DA obtained a bank check in the amount of \$1,300.00 that was provided to <b>DEFENDANT CLARENCE MUMFORD</b> and deposited into <b>DEFENDANT CLARENCE MUMFORD'S</b> SunTrust bank account.

g. Overt acts related to an individual referred to hereinafter as "JH" include the following acts on or about the dates listed below:

Overt Act No.	Date	Act
36	01.26.2009	JH obtained a bank check in the amount of \$2,700.00 that was provided to <b>DEFENDANT CLARENCE MUMFORD</b> and deposited into <b>DEFENDANT CLARENCE MUMFORD'S</b> SunTrust bank account.

37	04.25.2009	JH or someone acting on JH's behalf registered online for a PRAXIS examination to be taken on April 25, 2009 in JH's name by a test-taker sent by <b>DEFENDANT CLARENCE MUMFORD</b> . The registration involved the use of JH's social security number.
38	04.25.2009	Sometime in approximation to but before this date, <b>DEFENDANT CLARENCE MUMFORD</b> obtained SS and JH's driver's licenses. <b>DEFENDANT CLARENCE MUMFORD</b> used the driver's licenses to create a false identification with JH's name and identifying information, and SS's photograph.
39	04.25.2009	SS took a PRAXIS examination on behalf of JH. To take the examination, SS presented a driver's license with her own picture and JH's name and identifying information.
40	12.14.2009	JH obtained a bank check in the amount of \$1,500.00 that was provided to <b>DEFENDANT CLARENCE MUMFORD</b> and deposited into <b>DEFENDANT CLARENCE MUMFORD'S</b> SunTrust bank account.
41	12.30.2009	JH mailed her driver's license, social security number, and PRAXIS admission ticket to <b>DEFENDANT CLARENCE MUMFORD</b> .

h. Overt acts related to an individual referred to hereinafter as "FJ" include the following acts on or about the dates listed below:

Overt Act No.	Date	Act
42	11.08.2008	Sometime in approximation to but before this date, <b>DEFENDANT CLARENCE MUMFORD</b> obtained SS and FJ's driver's licenses. <b>DEFENDANT CLARENCE MUMFORD</b> used the driver's licenses to create a false identification with FJ's name and identifying information, and SS's photograph.
43	11.12.2008	On or about this date, SS attempted to take a PRAXIS examination on behalf of FJ, but test monitors detected that SS was not FJ. The phone number listed on the registration forms was <b>DEFENDANT CLARENCE MUMFORD'S</b> phone number. The registration was paid for with <b>DEFENDANT CLARENCE MUMFORD'S</b> credit card number.
44	01.02.2009	FJ or someone acting on FJ's behalf registered online



		for a PRAXIS examination to be taken on January 10, 2009 in FJ's name by a test-taker sent by <b>DEFENDANT CLARENCE MUMFORD</b> . The registration involved the use of FJ's social security number.
45	01.10.2009	A test-taker hired by <b>DEFENDANT CLARENCE MUMFORD</b> took a PRAXIS examination on behalf of FJ.
46	02.27.2009	FJ prepared a personal bank check in the amount of \$500.00 that was provided to <b>DEFENDANT CLARENCE MUMFORD</b> and deposited into <b>DEFENDANT CLARENCE MUMFORD'S</b> SunTrust bank account.
47	04.10.2009	FJ sent a mailing to <b>DEFENDANT CLARENCE MUMFORD</b> .

- i. Overt acts related to **DEFENDANT DARCEL GARDNER** include the following acts on or about the dates listed below:

48	04.15.2009	<b>DEFENDANT DARCEL GARDNER</b> registered online for a PRAXIS examination to be taken on April 25, 2009 in <b>DEFENDANT DARCEL GARDNER's</b> name by a test-taker sent by <b>DEFENDANT CLARENCE MUMFORD</b> . The registration involved the use of <b>DEFENDANT DARCEL GARDNER's</b> social security number.
49	04.22.2009	<b>DEFENDANT DARCEL GARDNER</b> obtained a Postal Money Order in the amount of \$1,000.00 that was provided to <b>DEFENDANT CLARENCE MUMFORD</b> and deposited into <b>DEFENDANT CLARENCE MUMFORD'S</b> SunTrust bank account.
50	04.22.2009	<b>DEFENDANT DARCEL GARDNER</b> mailed a \$1,000 Postal Money Order and her driver's license to <b>DEFENDANT CLARENCE MUMFORD</b> .
51	04.25.2009	A test-taker sent by <b>DEFENDANT CLARENCE MUMFORD</b> took a PRAXIS examination on behalf of <b>DEFENDANT DARCEL GARDNER</b> .

- j. Overt acts related to **DEFENDANT VALERIE HUMPHREY** include the following acts on or about the dates listed below:

Overt Act No.	Date	Act
52	04.25.2009	Sometime in approximation to but before this date, <b>DEFENDANT VALERIE HUMPHREY</b> or someone acting on her behalf registered online for a PRAXIS examination to be taken on April 25, 2009 in her name by a test-taker sent by <b>DEFENDANT CLARENCE MUMFORD</b> . The registration involved the use of <b>DEFENDANT VALERIE HUMPHREY'S</b> social security number.
53	04.25.2009	JB took a PRAXIS examination on behalf of <b>DEFENDANT VALERIE HUMPHREY</b> . To take the examination, JB presented a driver's license with his own picture and <b>DEFENDANT VALERIE HUMPHREY's</b> name and identifying information.

- k. Overt acts related to an individual referred to hereinafter as "JS" include the following acts on or about the dates listed below:

Overt Act No.	Date	Act
54	04.25.2009	Sometime in approximation to but before this date, <b>DEFENDANT CLARENCE MUMFORD</b> obtained CS and JS's driver's licenses. <b>DEFENDANT CLARENCE MUMFORD</b> used the driver's licenses to create a false identification with JS's name and identifying information, and CS's photograph.
55	04.25.2009	JS or someone acting on JS's behalf registered online for a PRAXIS examination to be taken on April 25, 2009 in JS's name by a test-taker sent by <b>DEFENDANT CLARENCE MUMFORD</b> . The registration involved the use of JS's social security number.
56	04.25.2009	CS took a PRAXIS examination on behalf of JS. To take the examination, CS presented a driver's license with his own picture and JS's name and identifying information.
57	04.25.2009	CS took a second PRAXIS examination on behalf of JS. To take the examination, CS presented a driver's

		license with his own picture and JS's name and identifying information.
58	06.13.2009	JS or someone acting on JS's behalf registered online for a PRAXIS examination to be taken on June 13, 2009 in JS's name by a test-taker sent by <b>DEFENDANT CLARENCE MUMFORD</b> . <b>DEFENDANT CLARENCE MUMFORD'S</b> credit card was used to pay for the registration. The registration involved the use of JS's social security number.
59	06.13.2009	CS took a PRAXIS examination on behalf of JS. To take the examination, CS presented a driver's license with his own picture and JS's name and identifying information.

l. Overt acts related to **DEFENDANT SAMUEL CAMPBELL** include the following acts on or about the dates listed below:

60	04.25.2009	Sometime in approximation to but before this date, <b>DEFENDANT SAMUEL CAMPBELL</b> or someone acting on his behalf registered online for a PRAXIS examinations to be taken on June 10, 2009 in his name by a test-taker sent by <b>DEFENDANT CLARENCE MUMFORD</b> . The registration involved the use of <b>DEFENDANT SAMUEL CAMPBELL'S</b> social security number.
61	04.25.2009	JB took a PRAXIS examination on behalf of <b>DEFENDANT SAMUEL CAMPBELL</b> .

m. Overt acts related to an individual referred to hereinafter as "EB" include the following acts on or about the dates listed below:

Overt Act No.	Date	Act
62	06.13.2009	EB or someone acting on EB's behalf registered online for a PRAXIS examination to be taken on June 13, 2009 in EB's name by a test-taker sent by <b>DEFENDANT CLARENCE MUMFORD</b> . <b>DEFENDANT CLARENCE MUMFORD'S</b> credit card was used to pay for the registration. The registration involved the use of EB's social security number.

63	06.13.2009	Sometime in approximation to but before this date, <b>DEFENDANT CLARENCE MUMFORD</b> obtained CS and EB's driver's licenses. <b>DEFENDANT CLARENCE MUMFORD</b> used the driver's licenses to create a false identification with EB's name and identifying information, and CS's photograph.
64	06.13.2009	CS took a PRAXIS examination on behalf of EB. To take the examination, CS presented a driver's license with his own picture and EB's name and identifying information.
65	06.13.2009	Sometime in approximation to but before this date, <b>DEFENDANT CLARENCE MUMFORD</b> assisted and provided instructions to EB in registering for a PRAXIS examination to be taken at Arkansas State University in Session I, June 13, 2009. The registration involved the use of EB's social security number.
66	06.13.2009	Sometime in approximation to but before this date, <b>DEFENDANT CLARENCE MUMFORD</b> obtained JB and EB's driver's licenses. <b>DEFENDANT CLARENCE MUMFORD</b> used the driver's licenses to create a false identification with EB's name and identifying information, and JB's photograph.
67	06.13.2009	JB took a PRAXIS examination on behalf of EB. To take the examination, JB presented a driver's license with his own picture and EB's name and identifying information.

n. Overt acts related to an individual referred to hereinafter as "MT" include the following acts on or about the dates listed below:

Overt Act No.	Date	Act
68	04.25.2009	MT or someone acting on MT's behalf registered online for a PRAXIS examination to be taken on April 25, 2009 in MT's name by a test-taker sent by <b>DEFENDANT CLARENCE MUMFORD</b> . The registration involved the use of MT's social security number.
69	04.25.2009	Sometime in approximation to but before this date, <b>DEFENDANT CLARENCE MUMFORD</b> obtained SS and MT's driver's licenses. <b>DEFENDANT</b>

		<b>CLARENCE MUMFORD</b> used the driver's licenses to create a false identification with MT's name and identifying information, and SS's photograph.
70	04.25.2009	SS took a PRAXIS examination on behalf of MT. To take the examination, SS presented a driver's license with her own picture and MT's name and identifying information.
71	04.25.2009	SS took a second PRAXIS examination on behalf of MT. To take the examination, SS presented a driver's license with her own picture and MT's name and identifying information.
72	06.13.2009	MT or someone acting on MT's behalf registered online for a PRAXIS examination to be taken at Arkansas State University in Session I, June 13, 2009. The registration involved the use of MT's social security number.
73	06.13.2009	SS took a PRAXIS examination on behalf of MT. To take the examination, SS presented a driver's license with her own picture and MT's name and identifying information.
74	06.13.2009	MT or someone acting on MT's behalf registered online for a PRAXIS examination to be taken at Arkansas State University in Session II, June 13, 2009. The registration involved the use of MT's social security number.
75	06.13.2009	Sometime in approximation to but before this date, <b>DEFENDANT CLARENCE MUMFORD</b> obtained JB and MT's driver's licenses. <b>DEFENDANT CLARENCE MUMFORD</b> used the driver's licenses to create a false identification with MT's name and identifying information, and JB's photograph.
76	06.13.2009	JB took a PRAXIS examination on behalf of MT. To take the examination, JB presented a driver's license with his own picture and MT's name and identifying information.

o. Overt acts related to an individual referred to hereinafter as "KC" include the following acts on or about the dates listed below:

Overt Act No.	Date	Act
77	10.13.2009	KC obtained a United States Postal Service Money Order in the amount of \$650.00 that was provided to <b>DEFENDANT CLARENCE MUMFORD</b> and deposited into <b>DEFENDANT CLARENCE MUMFORD'S</b> SunTrust bank account.
78	10.13.2009	KC obtained a United States Postal Service Money Order in the amount of \$1,000.00 that was provided to <b>DEFENDANT CLARENCE MUMFORD</b> and deposited into <b>DEFENDANT CLARENCE MUMFORD'S</b> SunTrust bank account.
79	11.30.2009	KC obtained a United States Postal Service Money Order in the amount of \$1,000.00 that was provided to <b>DEFENDANT CLARENCE MUMFORD</b> and deposited into <b>DEFENDANT CLARENCE MUMFORD'S</b> SunTrust bank account.
80	11.30.2009	KC obtained a United States Postal Service Money Order in the amount of \$1,000.00 that was provided to <b>DEFENDANT CLARENCE MUMFORD</b> and deposited into <b>DEFENDANT CLARENCE MUMFORD'S</b> SunTrust bank account.
81	11.30.2009	KC obtained a United States Postal Service Money Order in the amount of \$500.00 that was provided to <b>DEFENDANT CLARENCE MUMFORD</b>
82	12.11.2009	KC sent a mailing to <b>DEFENDANT CLARENCE MUMFORD</b> .
83	01.07.2010	KC sent items to <b>DEFENDANT CLARENCE MUMFORD</b> via Delta Bus Lines.
84	02.09.2010	KC sent a mailing to <b>DEFENDANT CLARENCE MUMFORD</b> .

p. Overt acts related to **DEFENDANT SARAH RICHARD** include the following acts on or about the dates listed below:

Overt Act No.	Date	Act
85	12.29.2009	<b>DEFENDANT SARAH RICHARD</b> obtained a \$250



		Trustmark official check payable to <b>DEFENDANT CLARENCE MUMFORD</b> that was deposited into <b>DEFENDANT CLARENCE MUMFORD'S</b> SunTrust bank account.
86	03.10.2010	<b>DEFENDANT SARAH RICHARD</b> obtained a \$2,300 Trustmark official check payable to <b>DEFENDANT CLARENCE MUMFORD</b> that was deposited into <b>DEFENDANT CLARENCE MUMFORD'S</b> SunTrust bank account.
87	03.11.2010	<b>DEFENDANT SARAH RICHARD</b> obtained a \$450 Trustmark official check payable to <b>DEFENDANT CLARENCE MUMFORD</b> that was deposited into <b>DEFENDANT CLARENCE MUMFORD'S</b> SunTrust bank account.
88	05.07.2010	A test-taker hired by <b>DEFENDANT CLARENCE MUMFORD</b> took a PRAXIS examination on behalf of <b>DEFENDANT SARAH RICHARD</b> .

q. Overt acts related to an individual referred to hereinafter as "GK" include the following acts on or about the dates listed below:

Overt Act No.	Date	Act
89	01.15.2010	GK obtained a cashier's check in the amount of \$3,000.00 that he sent to <b>DEFENDANT CLARENCE MUMFORD</b> .
90	03.12.2010	GK sent a Western Union Money Order in the amount of \$500.00 that was deposited into <b>DEFENDANT CLARENCE MUMFORD'S</b> SunTrust bank account.
91	03.12.2010	GK sent a Western Union Money Order in the amount of \$250.00 that was deposited into <b>DEFENDANT CLARENCE MUMFORD'S</b> SunTrust bank account.
92	03.13.2010	<b>DEFENDANT CLARENCE MUMFORD</b> arranged for an individual other than GK to take a PRAXIS examination for GK at Rust College in Holly Springs, Mississippi.
93	09.17.2010	Sometime before this date, <b>DEFENDANT CLARENCE MUMFORD</b> obtained GK's and <b>DEFENDANT STEVE HOLMES'</b> driver's licenses. <b>DEFENDANT CLARENCE MUMFORD</b> used the driver's licenses to create a false identification with GK's name and identifying information, and <b>DEFENDANT STEVE HOLMES'</b> photograph.

r. Overt acts related to **DEFENDANT JADICE MOORE** include the following acts on or about the dates or ranges of dates listed below:

Overt Act No.	Date	Act
94	03.02.2010	<b>DEFENDANT JADICE MOORE</b> obtained a \$3,000 BancorpSouth official check payable to <b>DEFENDANT CLARENCE MUMFORD</b> that was deposited into <b>DEFENDANT CLARENCE MUMFORD'S</b> SunTrust bank account.
95	06.10.2010	A test-taker hired by <b>DEFENDANT CLARENCE MUMFORD</b> took a PRAXIS examination on behalf of <b>DEFENDANT JADICE MOORE</b> .
96	07.29.2010	A test-taker hired by <b>DEFENDANT CLARENCE MUMFORD</b> took a PRAXIS examination on behalf of <b>DEFENDANT JADICE MOORE</b> .

All in violation of Title 18, United States Code, Section 371.

[nmt 5 yrs, nmt \$250,000.00, or both, and nmt 3 yrs supervised release together with a mandatory special assessment of \$100.00, see 18 U.S.C. § 3013(a)]



**COUNTS 2-8**

1. The allegations contained in paragraphs 1(a) through and including 1(p) of Count 1 of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.
2. On or about each of the following dates or ranges of dates, in the Western District of Tennessee, the defendant,

----- **CLARENCE MUMFORD** -----

being aided and abetted others known and unknown to the Grand Jury, and, where indicated being aided and abetted by **DEFENDANT STEVE HOLMES** and **DEFENDANT JERYL SHAW**, did knowingly and without lawful authority produce the identification documents, authentication features and false identification documents described below, the production of each of which was in and affected interstate commerce and each of which was a driver's license:

Count	Date	Item
2	Between on or about 12.01.2009 and 09.17.2010	Fraudulent Mississippi driver's license containing the name, address and driver's license number of GK and the photograph of <b>DEFENDANT STEVE HOLMES</b> , aided and abetted by <b>DEFENDANT STEVE HOLMES</b> .
3	Between on or about 12.01.2009 and 09.17.2010	Fraudulent Mississippi driver's license containing the name, address and driver's license number of FT and the photograph of <b>DEFENDANT STEVE HOLMES</b> , aided and abetted by <b>DEFENDANT STEVE HOLMES</b> .
4	Between on or about 10.13.2009 and 09.17.2010	Fraudulent Mississippi driver's license containing the name, address and driver's license number of KC and the photograph of <b>DEFENDANT JERYL SHAW</b> , aided and abetted by <b>DEFENDANT JERYL SHAW</b> .
5	01.02.2010	Fraudulent Mississippi driver's license containing the name, address and driver's license of number of DA and the photograph of FK
6	01.02.2010	Fraudulent Mississippi driver's license containing the name, address and driver's license number of JH and the photograph of SS

Count	Date	Item
7	04.24.2010	Fraudulent Tennessee driver's license containing the name, address and driver's license number of TS and the photograph of ML
8	04.24.2010	Fraudulent Tennessee driver's license containing the name, address and driver's license number of ML and the photograph of TS

All in violation of Title 18, United States Code, Section 1028(a)(1) and, for Counts 2 through 4,

Title 18, United States Code, Section 2.

[as to each count, nmt 15 yrs; \$250,000; or both, plus nmt 3 yrs supervised release, together with a mandatory special assessment of \$100, see 18 U.S.C. § 3013(a)]

**COUNTS 9-12**

1. The allegations contained in paragraphs 1(a) through and including 1(p) of Count 1 of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

2. On or about each of the following dates, in the Western District of Tennessee, the defendant,

----- **CLARENCE MUMFORD** -----

being aided and abetted by each other and by others known and unknown to the Grand Jury, and, where indicated being aided and abetted by **DEFENDANT JACKLYN MCKINNIE**, did knowingly transfer the following identification documents, authentication features and false identification documents, knowing that each was produced without lawful authority, each of which was in and affected interstate commerce and each of which was a driver's license:

Count	Date	Item
9	11.17.2007	Fraudulent Tennessee driver's license containing the name, address and driver's license number of <b>DEFENDANT JACKLYN MCKINNIE</b> and the photograph of JB, aided and abetted by <b>DEFENDANT JACKLYN MCKINNIE</b> .
10	12.15.2009	Fraudulent Mississippi driver's license containing the name, address and driver's license number of KC and the photograph of JS
11	01.02.2010	Fraudulent Mississippi driver's license containing the name, address and driver's license of number of DA and the photograph of FK
12	01.02.2010	Fraudulent Mississippi driver's license containing the name, address and driver's license number of JH and the photograph of SS

All in violation of Title 18, United States Code, Section 1028(a)(2) and, for Count 9, Title 18, United States Code, Section 2.

[as to each count, nmt 15 yrs; \$250,000; or both, plus nmt 3 yrs supervised release, together with a mandatory special assessment of \$100, see 18 U.S.C. § 3013(a)]

**COUNT 13**

1. The allegations contained in paragraphs 1(a) through and including 1(p) of Count 1 of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

2. Beginning on or about December 15, 2009 and continuing until at least on or about September 17, 2010, in the Western District of Tennessee, the defendant,

----- **CLARENCE MUMFORD** -----

in a manner affecting interstate commerce, knowingly possessed document-making implements, that is, a computer, sheets of clear laminate material and squares of laminate material cut to the dimensions of a state identification card and driver's license, with the intent that such document-making implements be used in the production of false identification documents, all in violation of Title 18, United States Code, Section 1028(a)(5).

[nmt 15 yrs; nmt \$250,000 fine, or both; nmt 3 yrs supervised  
release; \$100 mandatory special assessment, see 18 U.S.C. §  
3013(a)]

**COUNTS 14-20**

1. The allegations contained in paragraphs 1(a) through and including 1(p) of Count 1 of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

2. On or about each of the following dates or ranges of dates, in the Western District of Tennessee, the defendant,

----- **CLARENCE MUMFORD** -----

being aided and abetted by each other and by others known and unknown to the Grand Jury, and, where indicated being aided and abetted by **DEFENDANT DANTE DOWERS** and **DEFENDANT SARAH RICHARD**, did knowingly possess and use in or affecting interstate commerce, without lawful authority, means of identification of others, that is, the names and driver's license numbers of the individuals identified below by their name or initials, with the intent to commit unlawful activities that constitute violations of federal law, that is, mail and wire fraud, in violation of Title 18, United States Code, Sections 1341 and 1343, and social security fraud, in violation of Title 42, United States Code, Section 408(a)(7)(B), said use affecting interstate commerce and resulting in the obtaining of funds in excess of \$1,000 for each count:

Count	Date	Individual	Means of Identification
14	01.10.2009	FJ	Driver's license, containing photograph and driver's license number
15	12.15.2009	KC	Driver's license, containing photograph and driver's license number
16	Between on or about 12.29.2009 and 05.07.2010	<b>DEFENDANT SARAH RICHARD</b>	Driver's license, containing photograph and driver's license number, aided and abetted by <b>DEFENDANT SARAH RICHARD</b>
17	01.02.2010	DA	Driver's license, containing photograph and driver's license number
18	01.02.2010	JH	Driver's license, containing photograph and driver's license number

Count	Date	Individual	Means of Identification
19	03.01.2010	GK	Driver's license, containing photograph and driver's license number
20	07.08.2010	FT	Driver's license, containing photograph and driver's license number, aided and abetted by <b>DEFENDANT DANTE DOWERS</b>

All in violation of Title 18, United States Code, Section 1028(a)(7) and, for Count 16 and Count 20, Title 18, United States Code, Section 2.

[as to each count, nmt 15 yrs; \$250,000; or both, plus nmt 3 yrs supervised release, together with a mandatory special assessment of \$100, see 18 U.S.C. § 3013(a)]

**COUNTS 21-32**

1. The allegations contained in paragraphs 1(a) through and including 1(p) of Count 1 of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

2. On or about each of the following dates, in the Western District of Tennessee, the defendant,

----- **CLARENCE MUMFORD** -----

being aided and abetted by others known and unknown to the Grand Jury, and, where indicated being aided and abetted by **DEFENDANT DANTE DOWERS**, did knowingly possess, transfer and use, without lawful authority, means of identification of other persons, including names, drivers' licenses, drivers' license numbers, drivers' license photographs, identification cards, identification card numbers, identification card photographs and social security numbers, as set forth below, of the individuals identified below by their name or initials, during and in relation to the commission of felony violations of Title 18, United States Code, Sections 1028(a)(1); 1028(a)(2); 1028(a)(5); 1028(a)(7); 1341 and 1343; and Title 42, United States Code, Section 408(a)(7)(B).

Count	Date	Individual	Means of Identification
21	01.12.2008	<b>DEFENDANT CLARENCE MUMFORD, JR.</b>	Driver's license, containing photograph and driver's license number
22	01.12.2008	JB	Identification card, containing photograph and identification card number
23	01.10.2009	FJ	Driver's license, containing photograph and driver's license number
24	06.13.2009	CS	Driver's license, containing photograph and driver's license number
25	12.15.2009	KC	Driver's license, containing photograph and driver's license number

Count	Date	Individual	Means of Identification
26	01.02.2010	DA	Driver's license, containing photograph and driver's license number
27	01.02.2010	FK	Driver's license, containing photograph and driver's license number
28	01.02.2010	JH	Driver's license, containing photograph and driver's license number
29	01.02.2010	JH	Social Security number
30	01.02.2010	SS	Driver's license, containing photograph and driver's license number
31	03.01.2010	GK	Driver's license, containing photograph and driver's license number
32	07.08.2010	FT	Social Security number and driver's license, containing photograph and driver's license number, aided and abetted by <b>DEFENDANT DANTE DOWERS</b>

All in violation of Title 18, United States Code, Section 1028A(a)(1) and, for Count 32, Title 18, United States Code, Section 2.

[mandatory 2 yrs imprisonment (consecutive to any other term of imprisonment); nmt \$250,000 fine, or both; nmt 1 yr supervised release; \$100 mandatory special assessment, see 18 U.S.C. § 3013(a)]



**COUNTS 33-39**

1. The allegations contained in paragraphs 1(a) through and including 1(p), and paragraphs 4(a) through and including 4(i) of Count 1 of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

2. It was further a part of the scheme and artifice to defraud that **DEFENDANT CLARENCE MUMFORD**, being aided and abetted by others known and unknown to the Grand Jury, and, where indicated being aided and abetted by **DEFENDANT SARAH RICHARD**, for the purpose of executing and attempting to execute the aforementioned scheme and artifice to defraud, and to obtain money and property by means of false and fraudulent pretenses and representations – did on or about each of the following dates knowingly cause to be delivered by mail according to the directions thereon the items described below, with each mailing a separate count:

Count	Date	Description of Mailing
33	12.11.2009	<b>DEFENDANT CLARENCE MUMFORD</b> caused KC to send him a mailing to 2083 Hornsby Cove, Memphis, Tennessee 38116.
34	12.29.2009	<b>DEFENDANT CLARENCE MUMFORD</b> caused DA to send him a mailing to 2083 Hornsby Cove, Memphis, Tennessee 38116.
35	12.29.2009	<b>DEFENDANT CLARENCE MUMFORD</b> , aided and abetted by <b>DEFENDANT SARAH RICHARD</b> , caused <b>DEFENDANT SARAH RICHARD</b> to send him a mailing to 2083 Hornsby Cove, Memphis, Tennessee 38116.
36	12.30.2009	<b>DEFENDANT CLARENCE MUMFORD</b> caused JH to send him a mailing to 2083 Hornsby Cove, Memphis, Tennessee 38116.
37	02.09.2010	<b>DEFENDANT CLARENCE MUMFORD</b> caused KC to send him a mailing to 2083 Hornsby Cove, Memphis, Tennessee 38116.
38	03.10.2010	<b>DEFENDANT CLARENCE MUMFORD</b> , aided and abetted by <b>DEFENDANT SARAH RICHARD</b> , caused <b>DEFENDANT SARAH RICHARD</b> to send him a mailing to 2083 Hornsby Cove, Memphis, Tennessee 38116.

39	04.10.2009	<b>DEFENDANT CLARENCE MUMFORD</b> caused FJ to send him a mailing to 2083 Hornsby Cove, Memphis, Tennessee 38116.
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All in violation of Title 18, United States Code, Section 1341 and, for Counts 35 and 38, Title 18, United States Code, Section 2.

[nmt 20 yrs, nmt \$250,000 fine, nmt 3 yrs supervised release, and mandatory assessment of \$100 pursuant to 18 U.S.C. § 3013]

**COUNTS 40-54**

1. The allegations contained in paragraphs 1(a) through and including 1(p), and paragraphs 4(a) through and including 4(i) of Count 1 of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

2. On or about each of the following dates, for the purpose of executing and attempting to execute the aforementioned scheme and artifice to defraud, and to obtain money by means of false and fraudulent pretenses and representations, **DEFENDANT CLARENCE MUMFORD**, being aided and abetted by others known and unknown to the Grand Jury, and, where indicated being aided and abetted by **DEFENDANT SAMUEL CAMPBELL**, **DEFENDANT DANTE DOWERS**, **DEFENDANT VALERIE HUMPHREY**, **DEFENDANT JACKLYN MCKINNIE**, and **DEFENDANT SARAH RICHARD**, did cause to be transmitted in interstate commerce by means of wire communications, certain signs, signals and sounds more specifically described below:

Count	Date	Description of Wire
40	10.24.2007	Internet registration on behalf of <b>DEFENDANT JACKLYN MCKINNIE</b> for a PRAXIS examination to be taken on November 17, 2007, aided and abetted by <b>DEFENDANT JACKLYN MCKINNIE</b> .
41	12.21.2007	Internet registration on behalf of <b>DEFENDANT CLARENCE MUMFORD, JR.</b> for a PRAXIS examination to be taken on January 8, 2008 at the University of Mississippi.
42	01.02.2009	Internet registration on behalf of FJ for a PRAXIS examination to be taken on January 10, 2009 at East Arkansas Community College.
43	03.26.2009	Internet registration on behalf of JH for a PRAXIS examination to be taken on April 25, 2009.
44	04.02.2009	Internet registration on behalf of <b>DEFENDANT VALERIE HUMPHREY</b> for a PRAXIS examination to be taken on April 25, 2009, aided and abetted by <b>DEFENDANT VALERIE HUMPHREY</b> .

45	04.02.2009	Internet registration on behalf of DA for a PRAXIS examination to be taken on April 25, 2009.
46	05.14.2009	Internet registration on behalf of EB for a PRAXIS examination to be taken on January 9, 2010 at Arkansas State University – Jonesboro.
47	05.29.2009	Internet registration on behalf of MT for a PRAXIS examination to be taken on January 9, 2010 at Arkansas State University – Jonesboro.
48	06.10.2009	Internet registration on behalf of <b>DEFENDANT SAMUEL CAMPBELL</b> for a PRAXIS examination to be taken on June 10, 2009, aided and abetted by <b>DEFENDANT SAMUEL CAMPBELL</b> .
49	12.10.2009	Internet registration on behalf of DA for a PRAXIS examination to be taken on January 9, 2010.
50	12.10.2009	Internet registration on behalf of KC for a PRAXIS examination to be taken on January 9, 2010.
51	12.10.2009	Internet registration on behalf of JH for a PRAXIS examination to be taken on January 9, 2010.
52	02.01.2010	Internet registration on behalf of GK for a PRAXIS examination to be taken on March 13, 2010 at Jackson State University in Mississippi.
53	05.05.2010	Internet registration on behalf of <b>DEFENDANT SARAH RICHARD</b> for a PRAXIS examination to be taken on May 7, 2010, aided and abetted by <b>DEFENDANT SARAH RICHARD</b> .
54	07.07.2010	Internet registration on behalf of FT for a PRAXIS examination to be taken on July 8, 2010, aided and abetted by <b>DEFENDANT DANTE DOWERS</b> .

All in violation of Title 18, United States Code, Section 1343 and, for Counts 40, 44, 48, 53 and 54, Title 18, United States Code, Section 2.

[nmt 20 yrs, nmt \$250,000 fine, nmt 3 yrs supervised release, and mandatory assessment of \$100 pursuant to 18 U.S.C. § 3013]

**COUNTS 55-58**

1. The allegations contained in paragraphs 1(a) through and including 1(p) of Count 1 of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

2. On or about each of the following dates, within the Western District of Tennessee and elsewhere, the defendant,

----- **CLARENCE MUMFORD** -----

being aided and abetted by others known and unknown to the Grand Jury, , and for the purpose of obtaining something of value and for other purposes, knowingly, willfully and with the intent to deceive, falsely and fraudulently represented, and caused to be represented the following:

Count	Date	Representation
55	01.12.2008	JB falsely and fraudulently represented on a PRAXIS examination form that his Social Security Account Number was xxx-xx-7750 when, in fact, this Social Security Account Number was assigned to <b>DEFENDANT CLARENCE MUMFORD, JR.</b>
56	04.25.2009	CS falsely and fraudulently represented on a PRAXIS examination form labeled "4452615" that his Social Security Account Number was xxx-xx-2606 when, in fact, this Social Security Account Number was assigned to JS.
57	04.25.2009	CS falsely and fraudulently represented on a PRAXIS examination form for a geography test that his Social Security Account Number was xxx-xx-2606 when, in fact, this Social Security Account Number was assigned to JS.
58	06.13.2009	CS falsely and fraudulently represented on a PRAXIS examination form that his Social Security Account Number was xxx-xx-2606 when, in fact, this Social Security Account Number was assigned to JS.

All in violation of Title 42, United States Code, Section 408(a)(7)(B).

[as to each count, nmt 5 yrs, nmt \$250,000.00, or both, and nmt 3 yrs supervised release together with a mandatory special assessment of \$100.00, see 18 U.S.C. § 3013(a)]

**COUNT 59**

1. Beginning on a date unknown to the Grand Jury but sometime on or before June 29, 2011, and continuing at least until on or about June 29, 2011, in the Western District of Tennessee, the defendants,

----- **CLARENCE MUMFORD** -----  
and  
----- **CLARENCE MUMFORD, JR.** -----

being aided and abetted by each other and by others known and unknown to the Grand Jury, did knowingly devise and intend to devise a scheme and artifice to defraud the Tennessee Department of Education and the Memphis City Schools and to obtain money and property by means of materially false and fraudulent pretenses and representations, knowing and having reason to know that said pretenses and representations were and would be false and fraudulent when made and caused to be made.

2. The scheme and artifice to defraud and to obtain money and property was in substance that **DEFENDANT CLARENCE MUMFORD** arranged for JB to take a "Principles of Learning and Teaching" PRAXIS examination on behalf of **DEFENDANT CLARENCE MUMFORD, JR.** – a current Memphis City Schools teacher – on or about January 12, 2008 at the University of Mississippi. JB passed the examination, which was a necessary prerequisite for a Tennessee professional teacher's license. **DEFENDANT CLARENCE MUMFORD, JR.** had obtained an alternative license on or about December 11, 2008. The alternative license was converted to a transitional license on or about February 2, 2010. **DEFENDANT CLARENCE MUMFORD, JR.** later progressed to an apprentice license on or about December 15, 2010 and, ultimately, a professional license on or about August 5, 2011. He would not have obtained the professional

license without the test taken by JB, and arranged for by **DEFENDANT CLARENCE MUMFORD**. Furthermore, without a license, he would not have been eligible for his Memphis City Schools teaching contract and the money and benefits that accompany the contract.

3. It was further a part of the scheme and artifice to defraud and to obtain money and property that, on or about June 29, 2011, **DEFENDANT CLARENCE MUMFORD** and **DEFENDANT CLARENCE MUMFORD, JR.**, being aided and abetted by each other, and for the purpose of executing and attempting to execute the aforementioned scheme and artifice, did knowingly cause to be delivered by mail according to the direction thereon teacher licensing application paperwork sent by the Memphis City Schools to the Tennessee Department of Education, in violation of Title 18, United States Code, Sections 2 and 1341.

[nmt 20 yrs.; nmt \$250,000; or both, plus nmt 3 yrs. supervised release, together with a mandatory special assessment of \$100.00, see 18 U.S.C. § 3013(a)]

**COUNT 60**

1. Beginning on a date unknown to the Grand Jury but sometime on or before June 2, 2010, and continuing at least until on or about June 9, 2011, in the Western District of Tennessee and elsewhere, the defendants,

----- **CLARENCE MUMFORD** -----  
and  
----- **JADICE MOORE** -----

being aided and abetted by each other and by others known and unknown to the Grand Jury, did knowingly devise and intend to devise a scheme and artifice to defraud the Mississippi Department of Education and the Claiborne County School District and to obtain money and property by means of materially false and fraudulent pretenses and representations, knowing and having reason to know that said pretenses and representations were and would be false and fraudulent when made and caused to be made.

2. The scheme and artifice to defraud and to obtain money and property was in substance that **DEFENDANT CLARENCE MUMFORD** arranged for a test-taker to take a PRAXIS "Pre-Professional Skills Test" in reading and in mathematics on behalf of **DEFENDANT JADICE MOORE** – a current teacher at Port Gibson Middle School – on or about June 10, 2010. **DEFENDANT CLARENCE MUMFORD** also arranged for a test-taker to take a PRAXIS "Pre-Professional Skills Test" in writing on behalf of **DEFENDANT JADICE MOORE** on or about July 29, 2010. The examinations, which were necessary prerequisites for a Mississippi teacher's license, were passed and submitted to the Mississippi Department of Education. Based in part on these scores, the Mississippi Department of Education issued a license to **DEFENDANT JADICE MOORE** to teach physical education on or about June 9, 2011. He would not have



obtained the license without the tests arranged for by **DEFENDANT CLARENCE MUMFORD**. Furthermore, without a license, he would not have been eligible for his Port Gibson Middle School teaching contract and the money and benefits that accompany the contract.

3. It was further a part of the scheme and artifice to defraud and to obtain money and property that, on or about June 9, 2011, **DEFENDANT CLARENCE MUMFORD** and **DEFENDANT JADICE MOORE**, being aided and abetted by each other, and for the purpose of executing and attempting to execute the aforementioned scheme and artifice, did knowingly cause to be delivered by mail according to the direction thereon a teacher's license sent by the Mississippi Department of Education to **DEFENDANT JADICE MOORE**, in violation of Title 18, United States Code, Sections 2 and 1341.

[nmt 20 yrs.; nmt \$250,000; or both, plus nmt 3 yrs. supervised release, together with a mandatory special assessment of \$100.00, see 18 U.S.C. § 3013(a)]

**COUNT 61**

1. Beginning on a date unknown to the Grand Jury but sometime on or before January 15, 2009, and continuing at least until on or about November 21, 2011, in the Western District of Tennessee and elsewhere, the defendants,

----- CLARENCE MUMFORD -----  
and  
----- KIMBERLY TAYLOR -----

being aided and abetted by each other and by others known and unknown to the Grand Jury, did knowingly devise and intend to devise a scheme and artifice to defraud the Mississippi Department of Education and the East Tallahatchie School District and to obtain money and property by means of materially false and fraudulent pretenses and representations, knowing and having reason to know that said pretenses and representations were and would be false and fraudulent when made and caused to be made.

2. The scheme and artifice to defraud and to obtain money and property was in substance that **DEFENDANT CLARENCE MUMFORD** arranged for SS to take PRAXIS examinations on behalf of **DEFENDANT KIMBERLY TAYLOR**, a current teacher at Charleston Elementary School in Charleston, Mississippi. On or about January 15, 2009, SS took a PRAXIS "Pre-Professional Skills Test" in reading and in writing and in mathematics on behalf of **DEFENDANT KIMBERLY TAYLOR**. On or about March 14, 2009, SS took a PRAXIS examination in Elementary Education: Content Knowledge on behalf of **DEFENDANT KIMBERLY TAYLOR**. The examinations, which were necessary prerequisites for a Mississippi teacher's license, were passed and submitted to the Mississippi Department of Education. Based in part on these scores, the Mississippi Department of Education issued a license to **DEFENDANT KIMBERLY**

**TAYLOR** to teach elementary education and social studies on or about November 21, 2011. She would not have obtained the license without the tests taken by SS. Furthermore, without a license, she would not have been eligible for her Charleston Elementary School teaching contract and the money and benefits that accompany the contract.

3. It was further a part of the scheme and artifice to defraud and to obtain money and property that, on or about November 21, 2011, **DEFENDANT CLARENCE MUMFORD** and **DEFENDANT KIMBERLY TAYLOR**, being aided and abetted by each other, and for the purpose of executing and attempting to execute the aforementioned scheme and artifice, did knowingly cause to be delivered by mail according to the direction thereon a teacher's license sent by the Mississippi Department of Education to **DEFENDANT KIMBERLY TAYLOR**, in violation of Title 18, United States Code, Sections 2 and 1341.

[nmt 20 yrs.; nmt \$250,000; or both, plus nmt 3 yrs. supervised release, together with a mandatory special assessment of \$100.00, see 18 U.S.C. § 3013(a)]

**COUNT 62**

1. Beginning on a date unknown to the Grand Jury but sometime on or before January 28, 2008, and continuing at least until on or about June 21, 2011, in the Western District of Tennessee and elsewhere, the defendants,

----- CLARENCE MUMFORD -----  
and  
----- CARLO MCCLELLAND -----

being aided and abetted by each other and by others known and unknown to the Grand Jury, did knowingly devise and intend to devise a scheme and artifice to defraud the Mississippi Department of Education and the Meridian School District and to obtain money and property by means of materially false and fraudulent pretenses and representations, knowing and having reason to know that said pretenses and representations were and would be false and fraudulent when made and caused to be made.

2. The scheme and artifice to defraud and to obtain money and property was in substance that **DEFENDANT CLARENCE MUMFORD** arranged for JB to take a PRAXIS “Pre-Professional Skills Test” in reading and in writing on behalf of **DEFENDANT CARLO MCCLELLAND** – a current teacher in the Meridian School District – on or about January 28, 2008. **DEFENDANT CLARENCE MUMFORD** also arranged for a test-taker to take a PRAXIS Elementary Education examination on behalf of **DEFENDANT CARLO MCCLELLAND** on or about April 25, 2009. The examinations, which were necessary prerequisites for a Mississippi teacher’s license, were passed and submitted to the Mississippi Department of Education. Based in part on these scores, the Mississippi Department of Education issued a license to **DEFENDANT CARLO MCCLELLAND** on or about June 21, 2011. He would not have obtained the license without the tests arranged for by **DEFENDANT CLARENCE MUMFORD**.

Furthermore, without a license, he would not have been eligible for his Port Gibson Middle School teaching contract and the money and benefits that accompany the contract.

3. It was further a part of the scheme and artifice to defraud and to obtain money and property that, on or about June 21, 2011, **DEFENDANT CLARENCE MUMFORD** and **DEFENDANT CARLO MCCLELLAND**, being aided and abetted by each other, and for the purpose of executing and attempting to execute the aforementioned scheme and artifice, did knowingly cause to be delivered by mail according to the direction thereon a teacher's license sent by the Mississippi Department of Education to **DEFENDANT CARLO MCCLELLAND**, in violation of Title 18, United States Code, Sections 2 and 1341.

[nmt 20 yrs.; nmt \$250,000; or both, plus nmt 3 yrs. supervised release, together with a mandatory special assessment of \$100.00, see 18 U.S.C. § 3013(a)]

**COUNT 63**

1. Beginning on a date unknown to the Grand Jury but sometime on or before April 15, 2009, and continuing at least until on or about July 18, 2011, in the Western District of Tennessee and elsewhere, the defendants,

----- **CLARENCE MUMFORD** -----  
and  
----- **DARCEL GARDNER** -----

being aided and abetted by each other and by others known and unknown to the Grand Jury, did knowingly devise and intend to devise a scheme and artifice to defraud the Mississippi Department of Education and the Columbus Municipal District and to obtain money and property by means of materially false and fraudulent pretenses and representations, knowing and having reason to know that said pretenses and representations were and would be false and fraudulent when made and caused to be made.

2. The scheme and artifice to defraud and to obtain money and property was in substance that **DEFENDANT CLARENCE MUMFORD** arranged for a test-taker to take a PRAXIS "Biology: Content Knowledge" examination on behalf of **DEFENDANT DARCEL GARDNER** – a current teacher at Columbus High School – on or about April 25, 2009. In furtherance of the scheme, **DEFENDANT DARCEL GARDNER** mailed her driver's license and a \$1,000 United States Postal Money Order to **DEFENDANT CLARENCE MUMFORD**. The examination taken on behalf of **DEFENDANT DARCEL GARDNER**, which was a necessary prerequisite for a Mississippi teacher's license in biology, was passed and submitted to the Mississippi Department of Education. Based in part on these scores, the Mississippi Department of Education issued a license to **DEFENDANT DARCEL GARDNER** to teach biology on or about July 18, 2011. She would not have obtained the license without the tests arranged for by

**DEFENDANT CLARENCE MUMFORD.** Furthermore, without the license, she would not have been eligible for her Columbus High School teaching contract and the money and benefits that accompany the contract.

3. It was further a part of the scheme and artifice to defraud and to obtain money and property that, on or about July 18, 2011, **DEFENDANT CLARENCE MUMFORD** and **DEFENDANT DARCEL GARDNER**, being aided and abetted by each other, and for the purpose of executing and attempting to execute the aforementioned scheme and artifice, did knowingly cause to be delivered by mail according to the direction thereon a teacher's license sent by the Mississippi Department of Education to **DEFENDANT DARCEL GARDNER**, in violation of Title 18, United States Code, Sections 2 and 1341.

[nmt 20 yrs.; nmt \$250,000; or both, plus nmt 3 yrs. supervised release, together with a mandatory special assessment of \$100.00, see 18 U.S.C. § 3013(a)]

**A TRUE BILL**

\_\_\_\_\_  
**FOREPERSON**

**DATE:** \_\_\_\_\_

\_\_\_\_\_  
**EDWARD L. STANTON, III**  
**UNITED STATES ATTORNEY**

(UNREDACTED)

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
VS.	)	NO. 12-20234
	)	
FELIPPIA TURNER-KELLOGG,	)	
	)	
Defendant.	)	

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CHANGE OF PLEA PROCEEDINGS  
BEFORE THE HONORABLE JOHN T. FOWLKES, JR., JUDGE  
FRIDAY MORNING  
SEPTEMBER 21, 2012

LYNN DUDLEY  
OFFICIAL REPORTER  
923-A FEDERAL BUILDING  
MEMPHIS, TENNESSEE 38103



## A P P E A R A N C E S

Appearing on behalf of the Plaintiff:

EDWARD L. STANTON, III, ESQ.  
UNITED STATES ATTORNEY  
800 FEDERAL BUILDING  
167 NORTH MAIN STREET  
MEMPHIS, TENNESSEE 38103  
BY: JOHN D. FABIAN, ESQ.  
ASSISTANT U. S. ATTORNEY

Appearing on behalf of the Defendant:

STEPHEN B. SHANKMAN, ESQ.  
FEDERAL PUBLIC DEFENDER  
200 JEFFERSON AVENUE  
SUITE 200  
MEMPHIS, TENNESSEE 38103  
BY: STEPHEN B. SHANKMAN, ESQ.  
ASSISTANT FEDERAL DEFENDER

W I T N E S S I N D E X

WITNESS	PAGE	LINE
FELIPPIA TURNER-KELLOGG		
DIRECT EXAMINATION		
BY THE COURT . . . . .16		6

E X H I B I T I N D E XEXHIBIT NUMBERPAGE LINE

NO EXHIBITS

FRIDAY MORNINGSEPTEMBER 21, 2012

The change of plea hearing in this case began on this date, Friday, September 21, 2012, at 10:15 o'clock a.m., when and where evidence was introduced and proceedings were had as follows:

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**THE COURT:** All right. Good morning. gentlemen.

**MR. SHANKMAN:** Good morning, Your Honor.

**MR. FABIAN:** Good morning, Your Honor.

**THE COURT:** It's good to see everyone. Let's see, Mr. Turner-Kellogg here.

**MR. SHANKMAN:** It's Mrs. Kellogg.

**THE COURT:** Okay, Ms. Okay.

Come forward, please.

I understand we are proceeding by Information today?

**MR. FABIAN:** That's correct, Your Honor.

**MR. SHANKMAN:** Yes, sir.

10:34 1           **THE COURT:** And there's a -- will be a  
2 change of plea, and see there's a plea agreement?

3           **MR. FABIAN:** Yes, Your Honor.

4           **THE COURT:** And, also, do we have a  
10:34 5 Waiver of Indictment?

6           **MR. FABIAN:** We do, Your Honor. And  
7 Mr. Shankman has a copy of it, its been signed.

8           **THE COURT:** All right. Okay. Why  
9 don't we just go ahead with the statement of facts  
10:34 10 and also summary of the plea agreement for the  
11 record, if you would, please, Mr. Fabian.

12           **MR. FABIAN:** Yes, Your Honor.

13           The plea agreement may be summarized  
14 as follows:

10:34 15           Ms. Kellogg agrees to waive her right  
16 to trial by a jury and plead to Information  
17 charging her with a Section 371 conspiracy.

18           She waives the right to challenge the  
19 voluntariness of her guilty plea except with  
10:35 20 respect to claims of ineffective assistance of  
21 prosecutorial misconduct.

22           In addition she waives her right to  
23 appeal her sentence and request, along with the  
24 United States, that the court specifically find  
10:35 25 that the waiver of her right to appeal her

10:35 1 sentence is knowing and voluntary.

2           The United States agrees to recommend  
3 the maximum reduction for acceptance so long as  
4 she continues to avoid any conduct inconsistent  
10:35 5 with acceptance.

6           The parties agree that the applicable  
7 guideline section is 2B1.1, and the lost value  
8 tied to Ms. Kellogg's conduct is no greater than  
9 \$10,000.

10:35 10           The United States may file a  
11 substantial assistance motion, but Ms. Kellogg  
12 understands that no such motion has been promised  
13 and that the determination of whether to make the  
14 motion rest with the United States and any  
10:35 15 decision to grant the motion rest exclusively with  
16 the court.

17           She's aware that if the United States  
18 finds that she engages in any additional  
19 criminal conduct or obstructs justice the United  
10:36 20 States could be released from its obligations  
21 under this agreement but she would not be released  
22 from her guilty plea.

23           And finally she's reviewed the  
24 agreement and discussed it with her attorney and  
10:36 25 understands it.

10:36 1 And that summarizes the plea  
2 agreement, Your Honor.

3 **THE COURT:** All right. Now this is a  
4 371 conspiracy that she's pleading guilty to?

10:36 5 **MR. FABIAN:** That's correct, Your  
6 Honor.

7 **THE COURT:** If you would, please,  
8 outline the range of punishment.

9 **MR. FABIAN:** The maximum punishment is  
10:36 10 no more than five years, no more than a  
11 250,000-dollar fine, or both, no more than one  
12 year supervised release, and a mandatory special  
13 assessment of \$100.

14 **THE COURT:** All right. Thank you.

10:36 15 And if you would, please, go straight  
16 into a statement of the facts.

17 **MR. FABIAN:** Okay, Your Honor.

18 If this matter had gone to trial the  
19 government would have offered proof of the  
10:36 20 following:

21 As the court is aware this case  
22 centers upon a type of teacher certification  
23 examination called a PRAXIS examination created by  
24 Educational Testing Services, or ETS for short,  
10:37 25 which is headquarter in Princeton, New Jersey.

10:37 1 Arkansas, Mississippi and Tennessee  
2 are among the states that requires entering the  
3 teaching profession and teachers seeking  
4 endorsements for their license to take and pass  
10:37 5 PRAXIS examinations.

6 The individuals involved in this case  
7 were seeking to have test taken and passed because  
8 their states required them to pass these  
9 examinations to obtain or retain teaching  
10:37 10 licenses.

11 ETS charged fees for these  
12 examinations and the Departments of Education in  
13 Tennessee, Mississippi and Arkansas relied upon in  
14 the issuance of licenses and endorsements.

10:37 15 Social Security numbers were used in  
16 the registration process for these examinations.  
17 ETS owned copyrights and trademarks in the  
18 examinations and restricted access to them and to  
19 the questions contain therein.

10:37 20 ETS had property interest in the  
21 examinations and the good will examinations  
22 generated for ETS.

23 Registrants -- registrants for the  
24 examinations did so online and the registrations  
10:38 25 involved wire communications that crossed state



10:38 1 lines.

2 Individuals taking the examinations  
3 signed confidentiality statements affirming the  
4 person taking the test was the person whose name  
10:38 5 and address was used in the application process  
6 and agreeing to maintain the confidentiality of  
7 all test questions.

8 Individuals taking the examinations  
9 presented their driver's licenses.

10:38 10 Results of the test were wired across  
11 state lines.

12 ETS provided test scores to the  
13 individuals registered for the test and to the  
14 state's Departments of Education by the mail and  
10:38 15 sometimes through the Internet.

16 The licenses conferred substantial  
17 benefits to licensed holders including salaries,  
18 retirement, disability, survivor and other  
19 benefits.

10:38 20 Possession of a teachers license  
21 enabled licensed holders to contact the school  
22 districts, those contracts had economic value to  
23 the parties to the contracts.

24 On or about June 11, 2010, the  
10:39 25 Tennessee Bureau of Investigation received a

10:39 1 request to investigate a network of individuals  
2 who were fraudulently taking licensure  
3 examinations for teachers employed or hoping to be  
4 employed in Tennessee, Mississippi and Arkansas.

10:39 5 The request for investigation arose  
6 out of an incident that occurred at Arkansas State  
7 University in Jonesboro on or about June 13th,  
8 2009. On or about that date examinations were  
9 being conducted of teachers seeking to obtain  
10:39 10 teaching certifications.

11 A lady in a pink ball cap took an  
12 examination in a female's name during being the  
13 first session of tests on that date.

14 The proctor for the female's first  
10:39 15 session examinations saw that same female's name  
16 on the list for one of the second session  
17 afternoon test. The proctor entered the room  
18 where that second session test was being taken but  
19 did not see the lady in the ball cap. Instead  
10:39 20 there was a man taking the test in that female's  
21 name. That man was later identified as John  
22 Bowen, a Memphis city school substitute teacher  
23 who recently pled guilty to an Information similar  
24 to the one charging Ms. Kellogg.

10:40 25 Further investigation by the proctors

10:40 1 revealed that a number of individuals had taken  
2 tests in different names on that day.

3 After the incident ETS conducted an  
4 investigation which was ultimately referred to the  
10:40 5 Tennessee Department of -- I'm sorry -- the  
6 Tennessee Bureau of Investigation after  
7 interviewing John Bowen and others involved in the  
8 Jonesboro testing investigator obtained a search  
9 warrant and searched Munford's house in Memphis in  
10:40 10 September of 2010. Among other things they found  
11 various identification documents and included  
12 among them were a copy of Ms. Kellogg's  
13 identification and an identification belonging to  
14 another woman whose initials are DA with  
10:40 15 Ms. Kellogg's photographs.

16 Investigators subsequently interviewed  
17 Ms. Kellogg who has been a school teacher in the  
18 Memphis city schools. She told interviewers that  
19 she met Munford in May of 2009. Munford told her  
10:41 20 that he knew teachers who were going to lose their  
21 jobs because they could not pass PRAXIS  
22 examinations. He said he needed her help and she  
23 agreed to help. He said that he would pay  
24 Ms. Kellogg and that he would need her driver's  
10:41 25 license.

10:41 1                   Munford wanted Ms. Kellogg to take a  
2 PRAXIS examination in Jonesboro in June 2009. He  
3 paid here \$1600 cash in one hundred dollar bills  
4 in a plain letter envelope. That envelope also  
10:41 5 included an altered identification and a PRAXIS  
6 examination admission ticket.

7                   Ms. Kellogg saw on the news that  
8 people had been caught taking tests in Jonesboro  
9 and later told Munford she had not gone that day.  
10:41 10 He told her he was glad she did not go and she  
11 could keep the money, he wanted her to owe him.

12                   Ms. Kellogg told investigators about a  
13 number of tests she had taken, she estimated that  
14 she made approximately \$4,000 over a one and a  
10:42 15 half year span taking test for Munford.

16                   She recalled that in December 2009 she  
17 took a test at East Arkansas Community College and  
18 made \$800 from Munford.

19                   On January 9th, 2010 Ms. Kellogg took  
10:42 20 a PRAXIS examination on behalf of person whose  
21 initials are DA, she used an identification  
22 Munford had made with her picture and DA's  
23 driver's license, a copy of which was found during  
24 the search warrant.

10:42 25                   Munford had arranged or assisted in

10:42 1 arranging for DA's registration for the test on or  
2 about December 15th, 2009, that registration  
3 involved the use of DA's Social Security number.

4 Ms. Kellogg stated that sometime after  
10:42 5 investigators executed the search warrant at  
6 Munford's house, Munford told her that her I.D.  
7 had been found. He told her that if she was  
8 contacted by investigators she should say that he  
9 was tutoring teachers for the PRAXIS examinations,  
10:43 10 she told him that she intended to tell the truth.  
11 He told her not to say anything about him and to  
12 leave him out of it.

13 And, Your Honor, that would conclude  
14 the government's proof.

10:43 15 **THE COURT:** Thank you, Mr. Fabian.

16 And, Mr. Shankman, can you stipulate  
17 that those would have been the facts had the  
18 matter proceed to trial?

19 **MR. SHANKMAN:** Those are -- those --  
10:43 20 those are basically the facts that would be  
21 presented if the matter had gone to trial, Your  
22 Honor.

23 **THE COURT:** All right. Thank you.

24 Now I need to the speak with Ms. -- is  
10:43 25 it Turner-Kellogg or just Kellogg?

10:43 1 MS. TURNER-KELLOGG: Uh-huh,  
2 Turner-Kellogg.

3 THE COURT: Okay. Ms. Turner-Kellogg.  
4 If you would, please, I need you to  
10:43 5 raise your right hand.

6 Do you solemnly swear or affirm, under  
7 the penalties of perjury, the testimony that you  
8 are about to provide the court in this matter will  
9 be the truth, the whole truth and nothing but the  
10:43 10 truth, so help you God?

11 MS. TURNER-KELLOGG: I do.

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10:43 1                    FELIPPIA TURNER-KELLOGG,  
2        was thereupon called as a witness on behalf of the  
3        Court, and having been first duly sworn,  
4        was examined and testified as follows:

10:43 5                    DIRECT EXAMINATION

6        BY THE COURT:

7        Q.        And your name is Felippia?

8        A.        Felippia

9        Q.        Felippia Turner-Kellogg?

10:43 10        A.        Uh-huh.

11        Q.        Ms. Turner-Kellogg, how far did you go in  
12        school?

13        A.        I have an education specialist degree.

14        Q.        Okay.    So you can read and write and  
10:43 15        communicate and things of that nature?

16        A.        Yes.

17        Q.        Are you under the influence of any drugs or  
18        medication or anything like that today?

19        A.        No.

10:44 20        Q.        So you can understand everything that's going  
21        on?

22        A.        Yes.

23        Q.        All right.    Now what I'm going to do is I have  
24        a series of questions that I need to ask you.

10:44 25        Basically, I'm going to go over the plea agreement

10:44 1 with you and make sure you understand everything. And  
2 then there are certain constitutional rights that you  
3 are going to give up pursuant to a plea agreement.  
4 And again, I just need to make sure you understand it.  
10:44 5 Okay?

6 A. Yes.

7 Q. First of all, your case was not presented to  
8 the grand jury, we're proceeding by way of  
9 Information. And one of your rights is that you have  
10:44 10 the right to have your case presented to a grand jury,  
11 and have that grand jury return an indictment against  
12 you, you are giving up that right.

13 Do you understand?

14 A. Yes.

10:44 15 Q. Now I believe there is a form, a Waiver of  
16 Indictment.

17 Do you have that there?

18 Okay. And has that been executed?

19 All right. If you would, please show that to  
10:44 20 Ms. Turner-Kellogg.

21 There's being shown to you the Waiver of  
22 Indictment, and at the bottom there's a place for you  
23 to sign.

24 Have you signed that?

10:45 25 A. Yes, I have.



10:45 1 Q. And I believe your lawyer, Mr. Shankman, also  
2 signed that, is that correct?

3 A. Yes, sir.

4 Q. Did he go over that form with you?

10:45 5 A. Yes.

6 Q. Did you get an opportunity to speak to him and  
7 talk with him about it?

8 A. Yes.

9 Q. Did you read it?

10:45 10 A. Yes, I did.

11 Q. And do you understand it?

12 A. Yes, I do.

13 Q. And is that how you want to proceed --

14 A. Yes.

10:45 15 Q. -- waive your right to indictment and proceed  
16 by way of Information?

17 A. Yes.

18 Q. Okay. Now the plea agreement, we're proceeding  
19 by way of plea agreement. And I think you have the

10:45 20 plea agreement there, the original there,  
21 Mr. Shankman?

22 MR. SHANKMAN: Yes, sir.

23 BY THE COURT:

24 Q. And the plea agreement, did you -- were you

10:45 25 able to discuss that with your attorney?

10:45 1 A. Yes.

2 Q. And he went over the terms of it with you?

3 A. Yes.

4 Q. And did you have an opportunity to read it?

10:45 5 A. Yes, I did.

6 Q. Did you understand everything?

7 A. Yes.

8 Q. Now the very last page of the plea agreement at

9 the -- there's several signature blocks, the last one

10:45 10 there is for you.

11 Did you sign it there?

12 A. Yes, I did.

13 Q. Date it?

14 A. I did.

10:46 15 Q. And just above did your lawyer, Mr. Shankman,

16 also sign it and date it?

17 A. Yes.

18 Q. And you understood all of the terms?

19 A. Yes, sir.

10:46 20 Q. In a few minutes I am going to go over the

21 terms with you just to make sure everything is clear.

22 But at this time go over with you some other

23 constitutional rights that you are waiving.

24 Now I realize that you are pleading guilty to

10:46 25 the offense but you do have an absolute right to have

10:46 1 a jury trial in this case. If you told me that you  
2 changed your mind for some reason and you wanted to  
3 have a trial, we would set a trial date. On that date  
4 the jury would come in and the jurors would sit in  
10:46 5 those chairs right over there. They would listen to  
6 all of the testimony of all the witnesses.

7 You see, the government would have to bring  
8 those witnesses down here to testify against you. You  
9 would be -- and he would have to convince the jurors  
10:46 10 beyond a reasonable doubt of your guilt of the  
11 allegations.

12 You would be present in the courtroom when  
13 those witnesses testified along with your lawyer,  
14 Mr. Shankman would be with you. He would be able to  
10:47 15 cross examine those witnesses, ask those witnesses  
16 questions. In other words, confront the witnesses.

17 Do you understand?

18 **A.** Yes.

19 **Q.** After the government presented its case, you  
10:47 20 would have an opportunity to put on proof. If you had  
21 a defense that you wanted to present or other  
22 witnesses Mr. Shankman would subpoena those witnesses  
23 and get them down here to testify. If he had trouble  
24 getting those witnesses to come down here, I would  
10:47 25 send the marshal's service out to go and get those

10:47 1 witnesses and bring them down here to testify.

2 Do you understand?

3 A. Yes.

4 Q. You also have the right to testify. You have  
10:47 5 the right to remain silent. And based on your  
6 decision I would instruct the jury accordingly. If  
7 you decided you wanted to testify you would be able to  
8 tell the jury in your own words what had happened and  
9 present your testimony to them. And I would instruct  
10:47 10 the jurors that they were to consider your  
11 credibility, your credibility, handle your testimony  
12 as they would any other witness in the trial.

13 Do you understand?

14 A. Yes.

10:48 15 Q. On the other hand, if you decided not to  
16 testify, I would instruct the jurors that they could  
17 consider that for no purpose whatsoever, that they  
18 were not to consider the fact that you exercised your  
19 right to remain silent.

10:48 20 Do you understand?

21 A. Yes.

22 Q. Now after the jury heard the testimony of all  
23 the witnesses, the jury would decide if you were  
24 guilty or not guilty. If you were found guilty, of  
10:48 25 course, I would sentence you according to the law and

10:48 1 you would have the right to appeal the sentence and  
2 the conviction to the Court of Appeals.

3 Do you understand?

4 A. Yes.

10:48 5 Q. Your lawyer would actually handle your appeal  
6 for you. And if by some reason Mr. Shankman couldn't  
7 handle it, I could appoint an attorney to represent  
8 you assuming you could not afford an attorney.

9 Do you understand?

10:48 10 A. Yes.

11 Q. But you see, when you plead guilty you give up  
12 all of those rights.

13 A. Uh-huh.

14 Q. There's not going to be a trial, there's not  
10:48 15 going to be an appeal, although you do have certain  
16 provision in the plea agreement about an appeal, but  
17 as far as the trial rights are concerned you are  
18 giving up your right to appeal.

19 Do you understand?

10:49 20 A. Yes.

21 Q. The only thing that's left is the plea  
22 agreement and the sentencing date and how we proceed  
23 with sentencing.

24 Do you understand?

10:49 25 A. Yes.

10:49 1 Q. Are you doing this freely and voluntarily?

2 A. Yes, I am.

3 Q. Is anyone forcing you to plead guilty?

4 A. No.

10:49 5 Q. Who made the decision to plead guilty today?

6 A. I did.

7 Q. Are you satisfied with the representation your  
8 lawyer has given you?

9 A. Yes, I am.

10:49 10 Q. All right. Now you understand how we are going  
11 to proceed then, assuming that I accept this plea  
12 agreement we're going to set a sentencing date --

13 A. Uh-huh.

14 Q. -- be a hearing date probably about three  
10:49 15 months out. At that time the probation office is  
16 going to prepare a Presentence Report, it will have  
17 background information in it, facts of the case,  
18 criminal history, and a calculation of your guideline  
19 range.

10:49 20 Do you understand?

21 A. Yes.

22 Q. And at that time both sides will have an  
23 opportunity to present any testimony evidence, you  
24 will have an opportunity to speak if you choose to,  
10:50 25 and then I'll make a decision about the sentence.

10:50 1 Do you understand that?

2 A. Yes, I do.

3 Q. Now the plea agreement, I want to go over that  
4 with you just very briefly.

10:50 5 A. Yes, sir.

6 Q. It sets out what constitutes the entire  
7 agreement between yourself and the United States.

8 First paragraph, paragraph 1-a, indicates what  
9 you're pleading guilty to, the Information, that is a  
10:50 10 conspiracy which is a felony.

11 Do you understand?

12 A. Yes.

13 Q. Okay. You're pleading guilty freely and  
14 voluntarily, as I asked you before, and you are also  
10:50 15 giving up certain appeal rights, the right to  
16 challenge the voluntariness of this. Of course, you  
17 always have the right to challenge an appeal, any  
18 prosecutorial misconduct or anything along those  
19 lines.

10:50 20 Is that your understanding?

21 A. Yes.

22 Q. And then also the final decision as far as the  
23 sentence is concerned, the manner and method in the  
24 way that the sentence is determined, you are also  
10:51 25 giving up your right to appeal that?

10:51 1 A. Yes.

2 Q. Okay. Let's see, and the government indicates  
3 that it is going to agree as far as the acceptance of  
4 responsibility is concerned, assuming there's no -- no  
10:51 5 facts come to light as far as obstruction of justice  
6 is concerned.

7 Do you understand?

8 A. Yes.

9 Q. But the ultimate decision about acceptance of  
10:51 10 responsibility will be up to the court once I receive  
11 all the information.

12 Do you understand?

13 A. Yes.

14 Q. Let's see, the agreement is that your relevant  
10:51 15 conduct should be no larger than or greater than  
16 \$10,000.

17 Do you see that?

18 A. Yes.

19 Q. Okay. And there's a possibility of a motion  
10:52 20 under 5K1.1 substantial assistance, it's up to the  
21 government to make that decision. And I'm assuming  
22 that they will make that decision at the proper time.  
23 But if they decide not to make that decision, then you  
24 will not be able to withdraw your plea and it will not  
10:52 25 be an appealable point.



10:52 1 Do you understand?

2 A. Yes.

3 Q. Okay. And if there is any obstruction of  
4 justice or anything along those lines the United  
10:52 5 States will be released from its obligations under  
6 this plea agreement.

7 Do you understand that?

8 A. Yes.

9 Q. Okay. I believe we've gone over the fact that  
10:52 10 you have read this and you do understand the plea  
11 agreement and this is the entire plea agreement that  
12 will be put in place.

13 Do you understand?

14 A. Yes.

10:52 15 Q. As I said before this is a felony that you are  
16 pleading guilty to. When you are convicted of a  
17 felony you are what we call rendered infamous and that  
18 you lose certain rights, like the right to vote, the  
19 right to sit on a jury, and the right to possess a  
10:53 20 firearm.

21 Do you understand?

22 A. Yes.

23 Q. And finally the range of punishment in this  
24 case, you understand that the maximum punishment that  
10:53 25 you are facing under the statute is up to five years

10:53 1 confinement and a fine of -- I'm sorry, I've forgotten  
2 what that fine is?

3 MR. FABIAN: A maximum of \$250,000,  
4 Your Honor.

10:53 5 BY THE COURT:

6 Q. A \$250,000 fine and then there is some  
7 supervised release time that you are facing.

8 Do you understand that's the range of  
9 punishment for this offense?

10:53 10 A. Yes.

11 Q. But you do realize that the probation office  
12 will calculate a sentencing range and we'll consider  
13 that at the sentencing hearing.

14 Do you understand?

10:53 15 A. Yes, uh-huh.

16 Q. Do you have any questions about this at all?

17 A. No, I don't.

18 Q. Is this how you want to proceed?

19 A. Yes.

10:53 20 Q. Okay.

21 THE COURT: I will ask both sides if I  
22 left out anything.

23 Mr. Fabian?

24 MR. FABIAN: Not that I can think of,

10:53 25 Your Honor.

10:53 1           **THE COURT:** Mr. Shankman?

2           **MR. SHANKMAN:** I don't think so.

3           **THE COURT:** All right. And probation,  
4 anything?

10:54 5           **THE PROBATION OFFICER:** Your Honor, in  
6 the interest of expediting the investigation, we  
7 request that the government provided the  
8 investigative file as soon as possible as well as  
9 the defense counsel be available for immediate  
10:54 10 interview.

11           **THE COURT:** Okay. Did you all hear  
12 that, take care of the interview with probation  
13 today.

14           **MR. SHANKMAN:** We will schedule it --  
10:54 15 we won't be able to do it today, but we will  
16 schedule it next week, I will talk with them next  
17 week and set it up when the next week or so.

18           **THE COURT:** Maybe you can just talk  
19 with them now and then get a time next week when  
10:54 20 you all can do that.

21           **MR. SHANKMAN:** We will work that out,  
22 yes, sir.

23           **THE COURT:** All right. And then,  
24 Mr. Fabian, can you get that information to them  
10:54 25 today.

10:54 1           **MR. FABIAN:** I have spoken to  
2 Mr. Nazareno and requested that both -- in light  
3 of the volume of this particular investigation, if  
4 he will meet with me early next week I will be  
10:54 5 able to provide him the file with respect to this  
6 defendant and be able to expedite their process in  
7 preparing the Presentence Report.

8           **THE COURT:** Okay. Then we should be  
9 able to take care of both of those by the end of  
10:54 10 next week?

11           **MR. SHANKMAN:** We'll attempt that, and  
12 I swear to schedule, I'm out part of next week, so  
13 I'll just need to work the schedule out.

14           **THE COURT:** Okay. That's just  
10:55 15 something we're trying so we can get the process a  
16 little quicker.

17           **MR. SHANKMAN:** It will certainly be  
18 done within two weeks at the most.

19           **THE COURT:** All right. Thank you.  
10:55 20 Assuming there's nothing else, at this  
21 time we need to get a date for the sentencing,  
22 about 90 days out.

23           **THE CLERK:** Your Honor, that will be  
24 Friday, December the 21st at nine a.m.

10:55 25           **MR. SHANKMAN:** Your Honor, I'm going

10:55 1 to be out of the country at that time, and so if  
2 we can go to either the week after the holidays or  
3 the first week in January.

4 THE COURT: When are you leaving?

10:55 5 MR. SHANKMAN: The 14th, I think and  
6 get back on the 22nd, 23rd.

7 THE COURT: Why don't we try to do it  
8 that week of the 14th?

9 THE CLERK: The 13th at nine a.m.

10:55 10 MR. SHANKMAN: That will work, okay.

11 THE COURT: Okay. Does that sound  
12 fine?

13 MR. FABIAN: Yes, Your Honor.

14 THE COURT: Okay. So we're going to  
10:55 15 set it December 13th at nine o'clock.

16 Now, Ms. Turner-Kellogg --

17 Mr. Shankman, let me know, was she  
18 late getting in here today?

19 MR. SHANKMAN: Yes, about five  
10:55 20 minutes.

21 THE COURT: All right. Don't be late  
22 again.

23 MS. TURNER-KELLOGG: Yes, sir.

24 THE COURT: I take time limits pretty  
10:55 25 seriously. The person is late the first time,

10:55 1 there's a little waring. Okay. Don't be late  
2 again.

3 MS. TURNER-KELLOGG: I won't.

4 THE COURT: Otherwise I have to  
10:55 5 consider it contempt of court. Okay.

6 MS. TURNER-KELLOGG: I understand.

7 THE COURT: All right. Anything else  
8 we can deal with today?

9 MR. FABIAN: Your Honor, just this is  
10:55 10 Ms. Kellogg's first appearance on this matter, so  
11 the government would be fine with an ROR bond  
12 pending sentencing. Of course, she will have to  
13 report to the marshals today.

14 THE COURT: All right. First  
10:55 15 appearances --

16 MR. SHANKMAN: I will be taking her  
17 down.

18 THE COURT: No initial appearance or  
19 anything, I don't have any problem with ROR in  
10:55 20 this case.

21 MR. SHANKMAN: And I'll take her down  
22 to the marshals office when we leave.

23 THE COURT: Go ahead and do that.

24 MR. FABIAN: And, Your Honor, if I  
10:55 25 may, as far a pretrial supervision we would just

10:55 1 recommend, we don't have any special conditions we  
2 request, just that she report to the Pretrial  
3 Services officer and comply with any requests that  
4 they make.

10:55 5 **THE COURT:** That's all right. Okay.  
6 ROR with supervision.

7 Okay. Anything else?

8 **MR. FABIAN:** No, Your Honor.

9 **THE COURT:** I think we're done.

10:55 10 Thank you folks for coming in.

11 **MR. FABIAN:** Thank you, Your Honor.

12 Thank you.

13 (Adjournment.)

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C E R T I F I C A T E

I, Lynn Dudley, do hereby certify that the foregoing 32 pages are, to the best of my knowledge, skill and ability, a true and accurate transcript from my stenotype notes of the change of plea hearing on September 21, 2012, in the matter of:

United States of America

vs.

FELIPPIA TURNER-KELLOGG

Dated this 6th day of December 2012.

-----  
Lynn Dudley  
Official Court Reporter  
United States District Court  
Western District of Tennessee



IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

-----

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
VS.	)	NO. 12-20247-JTF
	)	
CARLOS SHAW,	)	
	)	
Defendant.	)	

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CHANGE OF PLEA HEARING  
BEFORE THE HONORABLE JOHN T. FOWLKES, JR.,  
OCTOBER 4, 2012

BRENDA PARKER  
OFFICIAL REPORTER  
SUITE 1142 FEDERAL BUILDING  
167 NORTH MAIN STREET  
MEMPHIS, TENNESSEE 38103

**A P P E A R A N C E S**

Appearing on behalf of the Plaintiff:

UNITED STATES ATTORNEY'S OFFICE  
SUITE 800 FEDERAL BUILDING  
167 NORTH MAIN STREET  
MEMPHIS, TENNESSEE 38103  
By: JOHN D. FABIAN, ESQ.

Appearing on behalf of the Defendant:

JEFFREY H. JONES, ESQ.  
6540 STAGE ROAD  
BARTLETT, TENNESSEE 38134

1                                    THURSDAY AFTERNOON

2                                    OCTOBER 4, 2012

3                    The change of plea in this case began on this  
4                    date, Thursday, October 4, 2012, at 2:40 o'clock p.m.,  
5                    when and where evidence was introduced and proceedings  
6                    were had as follows:

7  
8                                    \_\_\_\_\_  
9  
10                   THE COURT: Are you ready to proceed with  
11                   Carlos Shaw?

12                   MR. JONES: Yes, sir.

13                   THE COURT: Mr. Jones, why don't y'all step  
14                   forward? The parties are present. It's an information,  
15                   and I believe there's a plea agreement that I have in  
16                   front of me, also waiver of indictment, it being an  
17                   information. I believe we're ready to get started, is  
18                   this Mr. Shaw?

19                   THE DEFENDANT: Yes.

20                   THE COURT: And as I normally do, Mr. Fabian,  
21                   if you would please summarize for us briefly the general  
22                   terms of the plea agreement and then also the facts.

23                   MR. FABIAN: Yes, Your Honor.

24                   (This portion of the transcript is sealed.)

25                   MR. FABIAN: As to the proof the government

1 would have offered if this matter had gone to trial, the  
2 government would have offered proof of the following:

3           This case centers upon a type of teacher  
4 certification examination called a Practice Examination  
5 created by Educational Testing Service headquartered in  
6 Princeton, New Jersey. Arkansas, Mississippi and  
7 Tennessee are among the states requiring teachers who are  
8 seeking to obtain licenses or endorsements on their  
9 licenses to take these examinations. The individuals  
10 involved in this case were seeking to have tests taken and  
11 passed because the states require them to pass the  
12 examinations to obtain or retain licenses. There are fees  
13 charged for the examinations, and the Departments of  
14 Education in Tennessee, Mississippi and Arkansas relied  
15 upon these examinations in the issuance of licenses.

16           Individuals taking tests were required to make  
17 certain threshold scores to obtain licenses or  
18 endorsements. Social security numbers were used in the  
19 registration process because the states used the Social  
20 Security numbers in the processing of licensing documents.  
21 Fees were charged for the examinations by ETS, and the  
22 Departments of Education relied upon the examinations in  
23 issuing licenses. The registration was -- for these  
24 examinations was done on line and involved interstate wire  
25 communications from the site of registration to servers in

1 Delaware and Princeton, New Jersey. Individuals taking  
2 the examination signed confidentiality statements  
3 affirming that the person taking the test was the person  
4 whose name and address was used in the application process  
5 and agreeing to maintain the confidentiality of the test  
6 questions.

7           The results of the tests were wired from the  
8 test centers to ETS servers in New Jersey and in Delaware.  
9 Scores were then provided to individuals in whose name the  
10 tests were registered by mail and through the internet.  
11 Licenses obtained as a result of these tests confer  
12 substantial benefits, and possession of a license enabled  
13 the license holders to contract with school districts and  
14 obtain economic value.

15           In June of 2010, the Tennessee Bureau of  
16 Investigation received a request to investigate a number  
17 of individuals who were fraudulently taking licensure  
18 examinations for teachers employed or hoping to be  
19 employed in Memphis City Schools, Shelby County Schools  
20 and in Mississippi and Arkansas. The request arose out of  
21 an incident that occurred at Arkansas State University in  
22 Jonesboro on or about June 13th, 2010. On or about that  
23 date, examinations were being conducted of teachers  
24 seeking to obtain certifications.

25           A lady in a pink ball cap took an examination

1 in a female's name during the first session of tests on  
2 that date. The proctor for that examination saw that same  
3 female's name on the list for a second set of tests. She  
4 entered the room where that test was being taken, but did  
5 not see the woman who had taken the second test. Instead,  
6 there was a man taking the test in the female's name.  
7 That man was later identified as John Bowen, a Memphis  
8 City School substitute teacher who pled guilty last month.  
9 Proctors learned that Mr. Bowen had taken a morning  
10 examination in a man's name. They soon learned that  
11 Mr. Shaw was taking an afternoon examination in the name  
12 of the man for whom Mr. Bowen had tested in the morning.

13 Further investigation by the proctors revealed  
14 that a number of individuals had taken tests in different  
15 names on that day. After this accident, ETS conducted an  
16 investigation that was ultimately referred to the  
17 Tennessee Department of Education. After conducting a  
18 number of interviews and reviewing a number of documents,  
19 including bank, phone and other records, the Tennessee  
20 Bureau of Investigation obtained a search warrant for  
21 Mr. Mumford's house. They executed the search warrant in  
22 September of 2010. During the course of the search  
23 warrant, they found a number of identifications, and  
24 included among them were Mr. Shaw's identification and an  
25 identification belonging to another man with Mr. Shaw's

1 photograph. Investigators subsequently interviewed  
2 Mr. Shaw who was previously a school teacher in the  
3 Memphis City Schools. He told interviewers that he met  
4 Mumford approximately ten years ago when they taught  
5 summer school together. During the course of their  
6 conversations, Mumford asked Mr. Shaw if he would be  
7 interested in getting paid to take practice examinations  
8 for people who were unable to pass. After Mumford  
9 repeated this request numerous times, Mr. Shaw agreed. At  
10 that time, he was paid approximately \$200 for math  
11 examinations and \$300 to \$350 for world history  
12 examinations. Later Mumford paid him in the \$600 to \$700  
13 range per test. Mr. Shaw admitted taking approximately 10  
14 to 15 tests for Mumford. Mr. Shaw stated that on June the  
15 13th, 2009, the date proctors discovered all the cheating  
16 at Arkansas State in Jonesboro, he met with Mumford in  
17 Harbor Town before taking the test. Mumford paid him \$400  
18 per test on that date. Mr. Shaw stated that during one of  
19 the tests, a proctor picked up his answer sheet, and  
20 Mr. Shaw stood up and left the test center. When he  
21 called Mumford to tell Mumford what had happened, Mumford  
22 told Mr. Shaw he had made a mistake with identifications.  
23 Mr. Shaw reviewed practice examination documents and  
24 stated that it was his handwriting and he had taken the  
25 following examinations:

1 First, a June 13, 2009 examination at Arkansas  
2 State University in the name of an individual whose  
3 initials are J.S.

4 The second on the same date also at Arkansas  
5 State University in the name of an individual whose  
6 initials are E.B.

7 For each of the tests Mumford's credit card was  
8 used to pay for the registration of the individual, and  
9 each individual's Social Security number was used in the  
10 registration process.

11 To take the test, Mr. Shaw used identifications  
12 provided by Mumford with Mr. Shaw's picture and  
13 identifying information of the individual for whom the  
14 test was taken, and that would conclude the government's  
15 offer of proof, Your Honor.

16 **THE COURT:** Thank you, Mr. Fabian.

17 Mr. Jones, do you stipulate to the facts?

18 **(Mr. Jones conferred with the defendant.)**

19 **MR. JONES:** Your Honor, we stipulate that those  
20 would be the substantial facts that would have been  
21 adduced by the government had this matter gone to trial.

22 **THE COURT:** Thank you.

23 This is Carlos Shaw?

24 **THE DEFENDANT:** Yes.

25 **THE COURT:** If you would please raise your



1 right hand. Do you solemnly swear or affirm that the  
2 testimony you are about to give will be the truth?

3 **THE DEFENDANT:** Yes, I do.

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CARLOS SHAW,

was thereupon called as a witness on behalf of the  
Court, and having been first duly sworn, was  
examined and testified as follows:

EXAMINATION

BY THE COURT:

Q. How far did you go in school?  
A. My master's.  
Q. Your master's?  
A. Yes, sir.  
Q. So you can read and write and understand?  
A. Yes, sir.  
Q. Any medications, anything like that, any drugs today?  
A. No, sir.  
Q. You clearly understand what you're doing today?  
A. Yes.  
Q. All right. Did you have ample opportunity to discuss  
everything with your attorney?  
A. Yes, sir.  
Q. The plea agreement, the waiver of indictment,  
everything?  
A. Yes, sir.  
Q. So you're ready to go ahead and proceed?  
A. Yes.  
Q. The first question to you is were you listening to the

1 facts as Mr. Fabian gave them to me?

2 A. Yes, I was.

3 Q. Did you do those things?

4 A. Yes.

5 Q. So you're pleading guilty freely and voluntarily and  
6 you understand everything?

7 A. Yes.

8 Q. All right. I need to go over with you the rights that  
9 you're waiving and then also talk with you about the plea  
10 agreement. I want to make sure that you understand  
11 everything. The first thing I would like for you to do is to  
12 refer to the plea agreement. I think you have it there in  
13 front of you, is that correct?

14 A. Yes.

15 Q. Look at the third page, please, the very last page.

16 A. Signature?

17 Q. With all the signatures.

18 A. Yes.

19 Q. There's one at the bottom of all those signatures,  
20 Carlos Shaw, did you sign there?

21 A. Yes, I did.

22 Q. And I believe you dated it also?

23 A. It is dated, but I did not date it.

24 Q. But you did sign it?

25 A. Yes.

1 Q. Just above, there's a place for your attorney, Mr.  
2 Jones, to sign it, did he sign it?

3 A. Yes.

4 Q. And it is also dated there, is that correct?

5 A. Yes.

6 Q. So this is the plea agreement, you have reviewed it and  
7 understand it?

8 A. Yes.

9 Q. We will come back to that shortly.

10 Now, there's other certain rights that you are giving  
11 up and waiving today. I'm going to go over those with you  
12 now. First of all, you have an absolute right to have this  
13 case presented to the grand jury. In fact, I can't even  
14 proceed today unless you waive your right to have it presented  
15 to the grand jury. That's what this is, the first form is a  
16 waiver of indictment. Do you have that in front of you?

17 A. Yes, I do.

18 Q. And I believe there's a place for you to sign about not  
19 quite halfway down that says defendant's signature, did you  
20 sign it there?

21 A. I did.

22 Q. And your attorney just below that, did he sign it?

23 A. Yes, he did.

24 Q. And is it dated? I think it is dated for today.

25 A. Yes, it is.

1 Q. Okay. Did you have an opportunity to discuss it with  
2 Mr. Jones?

3 A. I did.

4 Q. Go over it with him?

5 A. Yes.

6 Q. Okay. And you read it?

7 A. Yes, sir.

8 Q. And is that how you want to proceed, go ahead and waive  
9 your right to having it presented to the grand jury?

10 A. Yes.

11 Q. Next, I need to want to talk you about your trial  
12 rights, and I realize you're pleading guilty today, but you do  
13 have an absolute right to have a jury trial in this case and  
14 have the jury decide your fate. If you told me you want a  
15 trial, we would identify the trial date, we would call for a  
16 jury, and the jurors would sit right over there in those  
17 chairs and listen to the testimony of all the witnesses. The  
18 government would have to bring witnesses down here to testify  
19 against you, convince the jury beyond a reasonable doubt of  
20 your guilt of this offense. You would be present in the  
21 courtroom when those witnesses testified, so you would be able  
22 to hear everything they had to say. Mr. Jones would be with  
23 you, and he would be able to ask those witnesses questions, to  
24 cross-examine them, in other words, to confront the witnesses;  
25 do you understand?

1     **A.**       I do.

2     **Q.**       After the government presented its case, you would have  
3     an opportunity to put on proof, and if you had a defense you  
4     wanted to present or any other witnesses, Mr. Jones would  
5     subpoena your witnesses and get them down here to testify. If  
6     he had trouble getting them down here, I would send the  
7     marshal out to go and get those witnesses and bring them down  
8     here to testify; you understand that, don't you?

9     **A.**       Yes, I do.

10    **Q.**       You also have the right to testify. You have the right  
11    to remain silent, and after you have discussed it with your  
12    attorney thoroughly, you would inform me how you want to  
13    proceed during the trial, if you wanted to testify or not  
14    testify. If you told me you wanted to testify, you would be  
15    able to tell the jury in your own words what happened. You  
16    would be subject to cross, and I would instruct the jurors  
17    that they were to handle your testimony as they would any  
18    other witness testimony. In other words, the same rules of  
19    testing credibility would apply to you as they would to any  
20    other witness; do you understand?

21    **A.**       I do.

22    **Q.**       On the other hand, if you decide to remain silent, you  
23    would not be forced to testify, we couldn't force you to  
24    testify, and I would instruct the jury that they could  
25    consider that for no purpose whatsoever during the trial, they

1 could refer to it in no way; do you understand?

2 A. Yes, I do.

3 Q. After the jury heard the testimony of all the  
4 witnesses, the jury would decide if you were guilty or not  
5 guilty. Of course, if they found you guilty, I would sentence  
6 you according to the law. You would have the right to appeal  
7 the sentence and the conviction to the Court of Appeals.  
8 Actually, your lawyer would handle your appeal for you, and if  
9 you couldn't afford a lawyer to handle your appeal, I would  
10 appoint one for you; do you understand?

11 A. Yes.

12 Q. You realize, though, when you plead guilty, you give up  
13 all of those rights, there's not going to be a trial? There  
14 will only be a limited way that you can plead guilty according  
15 to the plea agreement. Basically, you have given up your  
16 right to appeal, the only thing left is your plea agreement  
17 that we're going to go over in a few minutes; do you  
18 understand?

19 A. Yes, sir, I do.

20 Q. Are you doing this freely and voluntarily?

21 A. Yes, I am.

22 Q. Is anyone forcing you to plead guilty?

23 A. No.

24 Q. Who made the decision to plead guilty today?

25 A. I made the ultimate decision.

1 Q. Are you satisfied with the representation your lawyer  
2 has given you?

3 A. Yes.

4 Q. Okay. Now, let's turn to the plea agreement.

5 (This portion of the transcript is sealed.)

6 Q. Now, this is a felony offense that you're pleading  
7 guilty to. What that means is what we call you're rendered  
8 infamous, that means you lose rights, like the right to vote,  
9 sit on a jury, and then also from this day forward it will be  
10 illegal for you to possess a firearm; do you understand?

11 A. I do.

12 Q. I think I have gone over with you the process as far as  
13 how the sentencing is going to work.

14 THE COURT: Anything I have left out,  
15 gentlemen, Mr. Jones?

16 MR. JONES: No, Your Honor.

17 THE COURT: Mr. Fabian?

18 MR. FABIAN: The only other issue would be the  
19 matter of bond, and if I may, I want to confer with  
20 defense counsel for one moment before we address that.

21 THE COURT: One moment. I will also ask  
22 Probation if there's anything else.

23 THE PROBATION OFFICER: We would just like to  
24 interview Mr. Shaw today, if possible.

25 THE COURT: Okay.



1                   **MR. FABIAN:** Thank you, Your Honor.

2                   **THE COURT:** Uh-huh. Anything further, any  
3 recommendation on bond?

4                   **MR. FABIAN:** It's my understanding that  
5 Mr. Shaw is currently living and working in Wisconsin.  
6 The government would just recommend that a travel  
7 restriction would limit him to the Western District and  
8 to, obviously, Wisconsin, that he can work and live there,  
9 and that he coordinate with Pretrial Services in terms of  
10 any other travel he needs to do. And as with other  
11 defendants, third party notification and the requirement  
12 that he seek or maintain employment.

13                   **THE COURT:** Okay. All those will be the terms,  
14 it will be ROR with special conditions that Mr. Fabian  
15 identified.

16                   What city do you live in in Wisconsin?

17                   **THE DEFENDANT:** Eagle.

18                   **THE COURT:** I'm sorry?

19                   **THE DEFENDANT:** Eagle.

20                   **THE COURT:** We will have to determine what  
21 district that is, whatever district that is in Wisconsin,  
22 you will be limited to travel in that district, okay.  
23 Pretrial Services will be able to go over that with you,  
24 and then there will be coordination with Pretrial Services  
25 in Wisconsin, okay?

1           **THE DEFENDANT:** Okay.

2           **THE COURT:** If there's nothing else, we need a  
3 sentencing date. We're going to put it on the same date  
4 as the previous hearing.

5           **THE CLERK:** Yes, Your Honor. January 17th,  
6 2013 at 9:30 a.m.

7           **MR. JONES:** That's fine.

8           **MR. FABIAN:** That's great, Your Honor.

9           **THE COURT:** Okay. Mr. Shaw, I will see you in  
10 January.

11           **THE DEFENDANT:** Thank you.

12           **MR. FABIAN:** Thank you Your Honor.

13           **THE COURT:** Thank you, gentlemen.

14           **(This matter concluded at 2:04 p.m.)**  
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**C E R T I F I C A T E**

I, Brenda Parker, do hereby certify that the foregoing 18 pages, are unredacted, and to the best of my knowledge, skill and ability, a true and accurate transcript from my stenotype notes of the change of plea on October 4, 2012, in the matter of:

United States of America

vs.

Carlos Shaw

Dated this 11th day of December, 2012.

S/Brenda Parker



BRENDA PARKER  
Official Court Reporter  
United States District Court  
Western District of Tennessee

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
VS.	)	NO. 12-20246-JTF
	)	
SHANTELL SHAW,	)	
	)	
Defendant.	)	

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CHANGE OF PLEA HEARING  
BEFORE THE HONORABLE JOHN T. FOWLKES, JR.,  
OCTOBER 4, 2012

BRENDA PARKER  
OFFICIAL REPORTER  
SUITE 1142 FEDERAL BUILDING  
167 NORTH MAIN STREET  
MEMPHIS, TENNESSEE 38103

**A P P E A R A N C E S**

Appearing on behalf of the Plaintiff:

UNITED STATES ATTORNEY'S OFFICE  
SUITE 800 FEDERAL BUILDING  
167 NORTH MAIN STREET  
MEMPHIS, TENNESSEE 38103  
By: JOHN D. FABIAN, ESQ.

Appearing on behalf of the Defendant:

MICHAEL EDWIN SCHOLL, ESQ.  
8 SOUTH THIRD STREET  
FOURTH FLOOR  
MEMPHIS, TENNESSEE 38103

THURSDAY AFTERNOON

OCTOBER 4, 2012

The change of plea in this case began on this date, Thursday, October 4, 2012, at 2:10 o'clock p.m., when and where evidence was introduced and proceedings were had as follows:

THE COURT: Mr. Scholl?

MR. SCHOLL: Good afternoon, Your Honor.

THE COURT: Good afternoon.

MR. FABIAN: Good afternoon.

THE COURT: Mr. Fabian, good to see you.

All right, in the matter of -- is it Shantell?

MR. SCHOLL: Yes, sir.

THE COURT: Last name Shaw?

MR. SCHOLL: Yes, sir. Yes, sir.

THE COURT: All right. And the indication is that this is going to be a change of plea, there's an information, is that correct?

MR. FABIAN: It is, Your Honor. And we don't need the information under seal, but we're going to ask for the plea agreement to be placed under seal.

THE COURT: I don't have any problem with that.

1 Put the plea agreement under seal. Okay. Why don't we go  
2 ahead and proceed. Ms. Fabian, if you would please, I'm  
3 going to ask that you go ahead and summarize the terms of  
4 the plea agreement and then go into the facts of the case.

5 **(This portion of the transcript is sealed.)**

6 **MR. FABIAN:** And Your Honor had this matter  
7 proceeded to trial, the government would have offered  
8 proof of the following.

9 This, as this court is aware and the court has  
10 been made aware of on similar cases, but unfortunately  
11 since it is alleged in the information, it will have to be  
12 repeated in this case. This case centers upon a type of  
13 teacher certification examination called a practice  
14 examination created by the Educational Testing Service or  
15 ETS for short, which is headquartered in Princeton, New  
16 Jersey. Arkansas, Mississippi and Tennessee are among  
17 states requiring individuals entering the teaching  
18 profession to take and pass practice examinations. The  
19 individuals involved in this case were seeking to have  
20 tests taken and passed because their states required them  
21 to pass the examinations to obtain or retain their  
22 teaching licenses. ETS charged fees for the examinations  
23 and the Departments of Education in Tennessee, Mississippi  
24 and Arkansas rely upon them in the issuance of licenses.

25 Individuals taking tests were required to make

1 certain threshold scores in order to obtain licenses or  
2 endorsement. Social Security numbers were used in the  
3 registration process for Mississippi and Tennessee because  
4 the states required the use of the number to process  
5 certification paperwork. Arkansas used the last four  
6 digits of the number. ETS owned copyrights and trademarks  
7 and intellectual property rights in the examinations, had  
8 property interests in the examinations. The registration  
9 for this was done online, and involved wire communications  
10 to ETS servers in Delaware and in Princeton, New Jersey.  
11 Individuals taking the examination signed confidentiality  
12 statements affirming that the person taking the test was  
13 the person whose name and address was used in the  
14 application process and agreeing to maintain the  
15 confidentiality of all test questions.

16           Individuals taking the examinations presented  
17 drivers' licenses. Results of the tests were wired from  
18 test centers to ETS servers in Delaware and in Princeton,  
19 New Jersey. ETS provided test scores to the individuals  
20 registered for the test by the mail and through the  
21 internet. The teachers' licenses provided by Tennessee,  
22 Arkansas, and Mississippi Departments of Education  
23 confirmed substantial benefits to license holders,  
24 including salaries, retirement and disability and other  
25 benefits. Possession of a teacher's license enabled the



1 license holders to contract with school districts. Those  
2 contracts had economic value to the parties.

3           On or about June 11, 2010, the Tennessee Bureau  
4 of Investigation received a request to investigate a  
5 network of individuals who were fraudulently taking  
6 licensure examinations for teachers hoping to be employed  
7 in the Memphis City Schools, Shelby County Schools and in  
8 school districts in Mississippi and Arkansas. The  
9 requests for investigation arose out of an incident that  
10 occurred at Arkansas State University in Jonesboro on or  
11 about June 13th, 2009. On or about that date,  
12 examinations were being conducted of teachers seeking to  
13 obtain teaching certifications. A lady in a pink ball cap  
14 who was later identified as Ms. Shaw took an examination  
15 in a female's name during the first session of tests on  
16 that date. The proctor saw that same female's name on the  
17 list for one of the second session practice examinations.  
18 The proctor entered the room where the second session test  
19 was being taken, but did not see Ms. Shaw in her pink ball  
20 cap. Instead, there a man taking the test in the female's  
21 name that later was identified as John Bowen, Memphis  
22 school substitute teacher who pled guilty last month. The  
23 proctor then located Ms. Shaw in a different room testing  
24 under a different name. The proctor asked for Ms. Shaw's  
25 identification, and Ms. Shaw left the testing center.

1           After this incident ETS conducted an  
2 investigation and informed the Tennessee Department of  
3 Education which later referred the investigation to the  
4 Tennessee Bureau of Investigation. Investigators  
5 interviewed dozens of individuals and obtained bank and  
6 phone and testing records to identify participants in the  
7 scheme. After interviewing John Bowen and others involved  
8 in the Jonesboro testing, investigators obtained a search  
9 warrant and searched Mumford's house in Memphis in  
10 September of 2010. Among other things, they found  
11 including copies of the defendant's identification cards  
12 and multiple drivers' license, with the photograph of the  
13 defendant upon the drivers' license of other individuals.  
14 Included among the papers they found were Ms. Shaw's  
15 identification with parts cut out as well as  
16 identification of another person with Ms. Shaw's photo on  
17 the identification.

18           Investigators subsequently interviewed Ms. Shaw  
19 who has been a school teacher in the Memphis City Schools.  
20 She told interviewers that she met Clarence Mumford in  
21 2008 during student registration at Trezevant High School.  
22 Mumford was a guidance counselor and Ms. Shaw a new  
23 teacher. Ms. Shaw was paired with Mumford as a mentor.  
24 Eventually Mumford approached Ms. Shaw and told Ms. Shaw  
25 that he knew a woman who had failed the practice

1 examination 11 times and needed help so she could keep her  
2 job. Mumford asked Ms. Shaw to take the test for this  
3 woman whose name Ms. Shaw does not recall. Mumford  
4 arranged to introduce the woman to Ms. Shaw, and the woman  
5 told Ms. Shaw she was missing her score by only a few  
6 points. Ms. Shaw had initially refused to take the test,  
7 but after that meeting agreed. She was paid \$1000, took  
8 the test at East Arkansas Community College. Mumford then  
9 began to make frequent requests for Ms. Shaw to take  
10 practice examinations for money. Sometimes Ms. Shaw  
11 accepted and sometimes she declined. Sometimes she looked  
12 like the individual she was testing for, so she used the  
13 individual's identification unaltered. Others, Mumford  
14 altered the ID. At one point in November of 2008, Mumford  
15 sent Ms. Shaw to take a practice examination at a testing  
16 examination in Cordova, Tennessee. Ms. Shaw, who was 36  
17 at the time was testing on behalf of a woman who was 55.  
18 It was obvious to the proctor that Ms. Shaw was not the  
19 age listed on the identification and that the  
20 identification had been altered with Ms. Shaw's picture.  
21 Ms. Shaw admitted to the proctor that she was not the  
22 woman named on the license and left the testing center.  
23 The proctor seized the identification. Ms. Shaw contacted  
24 Mumford and told him what had happened. He told her to  
25 calm down and that it was no big deal. Ms. Shaw admitted

1 to taking tests in Forrest City, Arkansas, at the  
2 University of Mississippi, at Arkansas State University in  
3 Jonesboro and a testing center in Cordova, Tennessee and  
4 Tupelo, Mississippi. She was generally paid \$500 per test  
5 and estimated over a two-year period Mumford paid her  
6 approximately \$8000 for taking 12 to 15 tests. They would  
7 meet, and Mumford would provide her cash payment for  
8 taking the practice examination, admission ticket and  
9 identification.

10 During the course of the investigation, Mumford  
11 contacted Ms. Shaw and told her it was important not to  
12 say anything to law enforcement. If she did, she would  
13 say all they were doing was tutoring people.

14 Finally, the investigation revealed that on or  
15 about April 25th, 2009, Ms. Shaw took a practice  
16 examination on behalf of a woman identified by the  
17 initials J.H. Mumford had arranged in March of 2009 for  
18 the registration for the test and the registration process  
19 involved the use of J.H.'s Social Security number.  
20 Mumford had created a fraudulent identification with  
21 J.H.'s identification information and Ms. Shaw's picture,  
22 and that would conclude the offer of proof, Your Honor.

23 **THE COURT:** Thank you, Mr. Fabian.

24 And Ms. Shaw, can you stipulate to that?

25 **MR. SCHOLL:** We would stipulate those would be

1 the facts put forward by the government if the matter had  
2 gone to trial.

3           **THE COURT:** Thank you. Ms. Shaw, if you would  
4 please raise your right hand. Do you solemnly swear the  
5 testimony you are about to give the court in this matter  
6 to be the truth, the whole truth and nothing but the  
7 truth, so help you God?

8           **THE DEFENDANT:** Yes, sir.  
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1                                    SHANTELL SHAW,

2        was thereupon called as a witness on behalf of the  
3        Court, and having been first duly sworn, was  
4        examined and testified as follows:

5        BY THE COURT:

6        Q.        Ms. Shaw, first, how old are you?

7        A.        Forty.

8        Q.        And how far did you go in school?

9        A.        I like 12 hours from a Ph.D.

10      Q.        Speak a little louder.

11      A.        About 12 hours from a Ph.D.

12      Q.        Oh, I see.

13                You can read and write and understand?

14      A.        Yes.

15      Q.        And were you able to read the plea agreement in this  
16      case?

17      A.        Yes, sir.

18      Q.        Have you had ample opportunity to speak with your  
19      attorney about it?

20      A.        Yes.

21      Q.        Do you understand the terms of the plea agreement?

22      A.        Yes.

23      Q.        Now, are you under the influence of any medications,  
24      drugs or anything like that today?

25      A.        No. I mean I have --

1 (The defendant conferred with Mr. Scholl.)

2 BY MR. SCHOLL:

3 Q. Are you under any kind of medication, anything like  
4 that?

5 MR. SCHOLL: She takes an antidepressant,  
6 Judge.

7 What he's asking is, is there anything about  
8 those drugs that you're taking right now that would  
9 influence the way you understand what is going on today?

10 THE DEFENDANT: No, I understand.

11 BY THE COURT:

12 Q. So you can understand everything?

13 A. Yes, sir.

14 Q. No problem?

15 A. Yes, sir.

16 Q. All right. I need to go over with you -- I will take  
17 all the time you need, but I need to go over with you the  
18 rights you're waiving as well as the plea agreement.

19 A. Okay.

20 Q. I need to make sure that you understand everything.

21 A. Okay.

22 Q. First of all, were you listening to the facts that the  
23 prosecutor gave?

24 A. Yes.

25 Q. And were you involved in that conspiracy?

1 A. I was.

2 Q. Did you do those things?

3 A. Yes, sir.

4 Q. You're freely admitting your guilt?

5 A. Yes, sir.

6 Q. Now, the plea agreement I just mentioned, I think you  
7 have it in front of you?

8 A. Yes, sir.

9 Q. If you would pull that out, we're going to go over  
10 several of the terms of the plea agreement. I would like for  
11 you to look at the last page of the plea agreement, if you  
12 would. That's the signature blocks that are there. The one  
13 on the bottom says Shantell Shaw, that's you, is that correct?

14 A. Yes, sir.

15 Q. Did you sign there?

16 A. Yes, I did.

17 Q. And also date it?

18 A. Yes, sir.

19 Q. And just above there, there's a signature block for  
20 your attorney, Mr. Scholl, did he also sign it?

21 A. Yes, sir.

22 Q. And he also dated it?

23 A. Yes.

24 Q. And as I said, you have gone over this with him, you  
25 have had an opportunity to read it, and you do understand it?



1 A. Uh-huh.

2 Q. I need you to answer yes or no.

3 A. No.

4 Q. Because we're recording everything.

5 We're going to come back to the plea agreement in just  
6 a few minutes, but I do want to go over with you certain  
7 rights that you're waiving at this time, okay?

8 A. Okay.

9 Q. First of all, you have a right to have this case  
10 presented to the grand jury, federal grand jury. In fact, I  
11 can't even proceed unless you waive your right to have it  
12 presented to the grand jury. That's what the other form is  
13 that you have there, waiver of indictment and presentment.  
14 Have you had an opportunity to read that?

15 A. Yes, sir.

16 Q. Have you gone over it with your attorney?

17 A. Yes, sir.

18 Q. Do you understand by signing that document, you are  
19 giving up your right to have the case proceed to the grand  
20 jury?

21 A. Yes, sir.

22 Q. Now, the form there where it says defendant's  
23 signature, did you sign that?

24 MR. SCHOLL: I waited to have her sign it in  
25 front of Your Honor.

1                   THE COURT: Okay. No problem.

2                   BY THE COURT:

3                   Q.       And there's also a place for your attorney to sign. It  
4                   is looking like you have signed it as well as your attorney.  
5                   Okay. Pass it to me.

6                   So do you understand the impact of waiving your right  
7                   to indictment?

8                   A.       Yes, sir.

9                   Q.       And that's how you want to proceed?

10                  A.       Yes, sir.

11                  Q.       Okay. Now, the next thing I need to go over with you  
12                  are your trial rights.

13                  A.       Okay.

14                  Q.       I realize you're pleading guilty today, but you do have  
15                  an absolute right to have a jury trial in this case. If you  
16                  told me you wanted a trial, we would identify a trial date,  
17                  call for a jury, and the jurors would come in and they would  
18                  sit in those chairs right over there, they would listen to all  
19                  the testimony from all the witnesses. You see, the government  
20                  would be required to prove this case to the satisfaction of  
21                  the jury beyond a reasonable doubt. The government would call  
22                  their witnesses to testify, they would be under oath, you  
23                  would be present in the courtroom when those witnesses  
24                  testified so you could hear what they had to say. Your  
25                  lawyer, Mr. Scholl, would be with you, and he would be able to

1 cross-examine those witnesses, you know, ask them questions,  
2 in other words, confront the witnesses. Do you understand?

3 A. Yes.

4 Q. After the government presented its case, you would have  
5 an opportunity to put on proof. If you had witnesses you  
6 wanted to testify, if you had a defense you wanted to present,  
7 Mr. Scholl would subpoena your witnesses and get them down  
8 here to testify. If he had trouble getting those witnesses  
9 down here, I would send the marshal out to go and get your  
10 witnesses and bring them down here to testify. Do you  
11 understand?

12 A. Yes.

13 Q. Also, you have the right to testify. You also have the  
14 right to remain silent. After you discussed it with your  
15 attorney, you would make the decision and let me know what you  
16 wanted to do, if you wanted to testify or remain silent. If  
17 you decided you wanted to testify, you could tell the jury in  
18 your own words what had happened, and I would explain to the  
19 jury, they would have to handle your testimony as they would  
20 any other witness. I use the same rules to test your  
21 credibility as any other witness. On the other hand, if you  
22 decide to remain silent, it would be your absolute right, you  
23 don't have to testify, and I would tell the jury that they  
24 could consider your silence for no purpose whatsoever. They  
25 could not consider it. Do you understand?

1 A. Yes, sir.

2 Q. Now, after the jury heard the testimony of all the  
3 witnesses, the jury would decide if you were guilty or not  
4 guilty. Of course, if they found you guilty, I would sentence  
5 you according to the law. You would have the right to appeal  
6 the sentence and the conviction to the Court of Appeals. And  
7 if you did appeal, you have the right to be represented by  
8 counsel, Mr. Scholl would represent you on your appeal, and if  
9 you couldn't afford an attorney, I would appoint one for you.  
10 Do you understand?

11 A. Yes, sir.

12 Q. But you see when you plead guilty, you give up all of  
13 those rights. It's not going to be presented to the grand  
14 jury. There's not going to be a trial. All those things that  
15 we talked about will be gone after today. The only thing will  
16 be this plea agreement and the determination of what your  
17 sentence is; do you understand?

18 A. Yes, sir.

19 Q. Are you doing this freely and voluntarily?

20 A. Yes, sir.

21 Q. Is anyone forcing you to plead guilty?

22 A. No, sir.

23 Q. Who made the decision to plead guilty today?

24 A. I did.

25 Q. Are you satisfied with the representation your lawyer

1 has given you?

2 A. Yes, sir.

3 Q. Okay. Now, let's go over the plea agreement.

4 (This portion of the transcript is sealed.)

5 Q. All right. And I believe those are the terms of the  
6 plea agreement. I think I have asked you, you understand it,  
7 you have read it?

8 A. Yes.

9 Q. And this is how you want to proceed?

10 A. Yes, sir.

11 Q. Now, this is a felony that you're pleading guilty to.  
12 What that means is you are what we call rendered infamous,  
13 that means you lose certain rights like the right to vote, the  
14 right to sit on a jury, and from this day forward, it will be  
15 illegal for you to possess a firearm; do you understand?

16 A. Yes.

17 Q. The range of punishment on this offense, the 371  
18 conspiracy is not more than five years confinement with the  
19 Bureau of Prisons. Now, you understand there will be a  
20 sentencing range based on your activity, but I have to make  
21 sure that you understand the range of punishment for the --  
22 under the statute for this offense, that's not less -- not  
23 more than five years; do you understand?

24 A. Yes.

25 Q. And then also there's a possible fine of not more than

1 \$250,000, okay?

2 A. Okay.

3 Q. And we have also talked about the special assessment of  
4 \$100, and there will be some time, I think not more than three  
5 years of supervised release; do you understand?

6 A. Yes.

7 (Mr. Scholl conferred with the defendant.)

8 MR. SCHOLL: I was just explaining to her that  
9 was the maximum range, Judge, and that did not change what  
10 I had discussed with her about my legal estimate of her  
11 sentence.

12 BY THE COURT:

13 Q. Right, that's what I'm trying to explain. That's the  
14 range of punishment for the statute, but there will be another  
15 calculation more specific to your conduct, and that's what we  
16 will be working with at the sentence hearing.

17 A. Okay.

18 Q. Okay. Do you have any questions about this at all?

19 A. No.

20 Q. Okay. Is this how you want to proceed?

21 A. Yes.

22 THE COURT: Have I left out anything,  
23 Mr. Scholl?

24 MR. SCHOLL: No, Your Honor.

25 THE COURT: Mr. Fabian?

1           **MR. FABIAN:** No, Your Honor.

2           **THE COURT:** Anything from Probation?

3           **THE PROBATION OFFICER:** If we could interview  
4 Ms. Shaw today and get the AUSA file, that would be  
5 helpful.

6           **THE COURT:** If y'all can proceed with the  
7 interview today, that would be helpful. If not, you can  
8 make arrangements as soon as possible in the next few days  
9 or so, I would appreciate it.

10           **MR. SCHOLL:** We're going to go turn her in at  
11 the U. S. Marshal's office right this after, Judge, and  
12 she can go after that. I think she has to stop by the U.  
13 S. Attorney's office for a moment.

14           **THE COURT:** Mr. Fabian, can you share the  
15 information with Probation?

16           **MR. FABIAN:** I can. I have not spoken  
17 specifically about this case, but I would request if they  
18 could meet with me, that way, I can provide them rather  
19 than give overwhelming materials, just the materials that  
20 are specific to this individual that will enable them to  
21 proceed.

22           **THE COURT:** I'm sure y'all can work that out  
23 later on today or tomorrow.

24           **MR. FABIAN:** Absolutely, Your Honor.

25           **THE COURT:** All right. Anything else? If not,

1 then we need to go ahead and file everything, and we need  
2 to get a sentencing date. Do we have a date?

3 **THE CLERK:** Yes, Your Honor. Thursday, January  
4 10th, 2013 at 1:30 p.m.

5 **MR. SCHOLL:** Judge, can we go maybe a week or  
6 two later than that, I think I'm going to be out of town  
7 that week?

8 **THE COURT:** Let's go to the next Thursday and  
9 put them in the morning.

10 **THE CLERK:** In the morning, yes, sir.  
11 Thursday, January the 17th at 9:00 a.m.

12 **THE COURT:** How does that sound?

13 **MR. SCHOLL:** That's fine, Your Honor.

14 **MR. FABIAN:** It works for the government, Your  
15 Honor.

16 **THE COURT:** All right, Ms. Shaw, go ahead, and  
17 your attorney has a couple of places to take you. I will  
18 see you in January.

19 **THE PRETRIAL OFFICER:** Your Honor, real quick,  
20 bond?

21 **MR. SCHOLL:** Judge, I think the parties are  
22 agreeing on an ROR bond in this situation.

23 **THE COURT:** That's no problem. ROR.

24 **MR. FABIAN:** Your Honor, just to be clear, the  
25 government would recommend travel restriction to the



1 Western District of Tennessee, third party notification  
2 and efforts to maintain or seek employment.

3 THE COURT: Okay. Any objection to any of  
4 that?

5 MR. SCHOLL: No, Your Honor.

6 THE COURT: Okay.

7 (Mr. Scholl conferred with the defendant.)

8 MR. SCHOLL: Judge --

9 THE COURT: I don't have any problem with her  
10 traveling to visit family, I think, in Louisiana.

11 MR. SCHOLL: And Mississippi, Judge.

12 THE COURT: But you will need to get -- notify  
13 and get permission from Pretrial.

14 MR. SCHOLL: That's fine. That's fine, Your  
15 Honor.

16 (This matter concluded at 1:39 p.m.)  
17  
18  
19  
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21  
22  
23  
24  
25

**C E R T I F I C A T E**

I, Brenda Parker, do hereby certify that the foregoing 22 pages, are unredacted, and to the best of my knowledge, skill and ability, a true and accurate transcript from my stenotype notes of the change of plea on October 4, 2012, in the matter of:

United States of America

vs.

Shantell Shaw

Dated this 11th day of December, 2012.

S/Brenda Parker



BRENDA PARKER  
Official Court Reporter  
United States District Court  
Western District of Tennessee

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	<b>Cr. No. _____</b>
<b>Plaintiff,</b>	)	
	)	<b>18 U.S.C. § 371</b>
<b>v.</b>	)	<b>18 U.S.C. § 1343</b>
	)	<b>42 U.S.C. § 408(a)(7)(B)</b>
<b>CEDRICK WILSON,</b>	)	
	)	
<b>Defendant.</b>	)	

**INDICTMENT**

**THE GRAND JURY CHARGES:**

**INTRODUCTION**

1. At all times material herein:
  - a. Educational Testing Service (“ETS”) was a private nonprofit educational testing and assessment organization with headquarters in Princeton, New Jersey. One series of tests written and administered by ETS was the PRAXIS series, components of which are required by many states for individuals entering the teaching profession or for teachers obtaining subject-specific endorsements on their teaching licenses.
  - b. Tennessee was among the states that required individuals entering the teaching profession and teachers obtaining subject-specific endorsements on their teaching licenses to take and pass PRAXIS examinations.
  - c. In Tennessee, other than teachers who obtained their licenses prior to 1984, certain out-of-state teachers obtaining reciprocal licenses, and teachers using transitional licenses, teachers were required to take and pass PRAXIS examinations to be licensed.
  - d. ETS charged fees to individuals who took the PRAXIS examinations. The results of the examination were relied upon by the Departments of Education in Arkansas, Mississippi and Tennessee for the issuance of licenses.

- e. Because Tennessee required an individual's social security number to process educator certification paperwork, individuals taking PRAXIS examinations were required to provide their social security numbers to ETS as part of the PRAXIS registration process.
- f. ETS owned copyrights in the PRAXIS examinations and questions, and the registered trademark, "PRAXIS," as used on the examinations and score reports. ETS also developed specialized test administration and scoring services for the PRAXIS examinations. To keep its PRAXIS product exclusive, secure and confidential, ETS restricted access to and use of its copyrighted PRAXIS examinations and questions and trademarked PRAXIS score reports, as well as its PRAXIS test administration and scoring services.
- g. Individuals taking the PRAXIS examination tests registered for the tests online. The registration process therefore involved wire communications from the computers at which registrants registered with ETS in Princeton, New Jersey.
- h. Individuals taking the PRAXIS examination tests signed confidentiality statements certifying that the person taking the test was the person whose name and address was used in the application process. In addition, those taking the test agreed to maintain the full confidentiality of all test questions and agreed not to reproduce and/or disclose any test question to anyone. Individuals unwilling to agree to these conditions would not be permitted to take an examination. Each individual taking a PRAXIS was also required to present his or her driver's license at the test-taking center.
- i. Once an exam was completed, exam results were wired from the test location in Arkansas to ETS in Princeton, New Jersey for processing. Individuals in whose name the exams were registered obtained their scores either via a score report mailed to them by ETS or via interstate wire communication through use of the internet.
- j. ETS developed substantial goodwill from development and administration of the PRAXIS examinations, some of which was based on the integrity of the testing processes. ETS

had property interests in the PRAXIS product, including (i) materials bearing its trademarks, such as the PRAXIS examinations and score reports, (ii) its copyrighted materials, such as the PRAXIS examinations and their questions, and (iii) the ETS-specified test administration and scoring services for the PRAXIS examinations. ETS also had property interests in the value of its goodwill, which is an asset of ETS and is based, in part, on maintaining the integrity of the testing and security process.

- k. Successful passage of PRAXIS examinations was an inducement for the Memphis City Schools to hire an individual given that successful passage of PRAXIS examinations is a necessary prerequisite to an individual obtaining a license from the Tennessee Department of Education.

#### **COUNT 1**

#### **THE CONSPIRACY**

1. Beginning in or about April 2009, the exact date being unknown to the Grand Jury, and continuing until at least on or about January 16, 2010, in the Western District of Tennessee, and elsewhere, the defendant,

----- **CEDRICK WILSON** -----

did unlawfully, willfully and knowingly combine, conspire, confederate and agree with Clarence Mumford, and with other persons known and unknown to the Grand Jury, to commit offenses against the United States, that is:

- a. To use and cause to be used interstate wire communications in furtherance of a scheme and artifice to defraud and for obtaining money or property by means of false or fraudulent pretenses, representations and promises, in violation of Title 18, United States Code, Section 1343;
- b. Falsely representing a Social Security number to be assigned to a person other than the person to whom the number is truly assigned, with intent to deceive, for the purpose of

obtaining any payment or any other purpose, in violation of Title 42, United States Code, Section 408(a)(7)(B).

### **OBJECTS OF THE CONSPIRACY**

2. The objects of the conspiracy are set forth as follows:
  - a. It was an object of the conspiracy to defraud ETS of property by obtaining access to and use of ETS's trademarked materials, copyrighted materials and services, by obtaining ETS's official score report, and by obtaining the benefit of, and undermining, ETS's goodwill and the value of its trademark and copyright.
  - b. It was an object of the conspiracy to defraud the Memphis City Schools by falsely representing to the Memphis City Schools that **DEFENDANT CEDRICK WILSON** had passed certain PRAXIS examinations to induce the Memphis City Schools to hire **DEFENDANT CEDRICK WILSON** when **DEFENDANT CEDRICK WILSON** had not, in fact, passed the PRAXIS examinations he represented that he had passed. These PRAXIS examinations were in the subjects Physical Education: Content Knowledge and Physical Education: Movement Forms – Analysis and Design.
  - c. It was an object of the conspiracy for a test-taker hired by Clarence Mumford to use the social security number of **DEFENDANT CEDRICK WILSON** to take the Physical Education: Content Knowledge and Physical Education: Movement Forms – Analysis and Design PRAXIS examinations.
  - d. It was a principle object and purpose of the conspiracy to carry out and to execute the above-listed objects of the conspiracy for the ultimate personal gain, benefit, profit, advantage, and accommodation of **DEFENDANT CEDRICK WILSON** and Clarence Mumford.

### **MANNER AND MEANS OF THE CONSPIRACY AND SCHEME TO DEFRAUD**

3. The manner and means by which the conspiracy and the scheme and artifice to defraud functioned is more particularly set forth as follows:
- a. It was part of the conspiracy and the scheme and artifice to defraud that **DEFENDANT CEDRICK WILSON** or someone acting on his behalf registered **DEFENDANT CEDRICK WILSON** via the internet for Physical Education: Content Knowledge and Physical Education: Movement Forms – Analysis and Design PRAXIS examinations.. The registration was paid by use of a credit card in Clarence Mumford's name. The telephone number listed in the registration belonged to Clarence Mumford.
  - b. It was further part of the conspiracy and the scheme and artifice to defraud that **DEFENDANT CEDRICK WILSON's** social security number was used in the PRAXIS registration process.
  - c. It was further part of the scheme and artifice to defraud that a test-taker appeared to take the PRAXIS examinations at Phillips Community College of the University of Arkansas, located in Helena, Arkansas, and falsely identified himself as **DEFENDANT CEDRICK WILSON**. The test-taker used **DEFENDANT CEDRICK WILSON's** social security number to take the examinations.
  - d. It was further part of the scheme and artifice to defraud that the test-taker, posing as **DEFENDANT CEDRICK WILSON**, signed confidentiality statements in **DEFENDANT CEDRICK WILSON's** name.
  - e. It was further part of the scheme and artifice to defraud that the score reports mailed by ETS contained **DEFENDANT CEDRICK WILSON's** social security number.
  - f. It was further part of the scheme and artifice to defraud that **DEFENDANT CEDRICK WILSON** submitted the score reports for the Physical Education: Content Knowledge and Physical Education: Movement Forms – Analysis and Design PRAXIS examinations taken by the test-taker to the Memphis City Schools in support of an application for employment.

- g. It was further part of the scheme and artifice to defraud that **DEFENDANT CEDRICK WILSON** submitted an online “Teacher Track” application to the Memphis City Schools on or about January 16, 2010. In a section labeled “Educational Testing,” **DEFENDANT CEDRICK WILSON** represented that he had taken the Physical Education: Content Knowledge and Physical Education: Movement Forms – Analysis and Design PRAXIS examinations. that were, in fact, taken by a test-taker other than **DEFENDANT CEDRICK WILSON**.

**OVERT ACTS IN FURTHERANCE OF THE CONSPIRACY**

4. At all times hereinafter mentioned, during the pendency of the conspiracy, the following overt acts were engaged in, in the Western District of Tennessee and elsewhere, at least one of which furthered and effected the goals of said combination, conspiracy, confederation and agreement:

Overt Act No.	Date	Act
1	04.08.2009	On or about this date, <b>DEFENDANT CEDRICK WILSON</b> or someone acting on his behalf registered online for Physical Education: Content Knowledge and Physical Education: Movement Forms – Analysis and Design PRAXIS examinations to be taken on April 25, 2009 in his name. The registration involved the use of <b>DEFENDANT CEDRICK WILSON's</b> social security number.
2	04.25.2009	A test-taker took Physical Education: Content Knowledge and Physical Education: Movement Forms – Analysis and Design PRAXIS examinations on behalf of <b>DEFENDANT CEDRICK WILSON</b> . The test-taker listed <b>DEFENDANT CEDRICK WILSON's</b> social security number on the examination sheets.
3	01.16.2010	<b>DEFENDANT CEDRICK WILSON</b> submitted an application to the Memphis City Schools citing the scores for the April 25, 2009 Physical Education: Content Knowledge and Physical Education: Movement Forms – Analysis and Design PRAXIS examinations taken by a test-taker sent by Clarence Mumford.

All in violation of Title 18, United States Code, Section 371.

**COUNT 2**



1. The allegations contained in paragraphs 1(a) through and including 1(k), and paragraphs 3(a) through and including 3(g) of Count 1 of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

2. On or about April 8, 2009, in the Western District Tennessee and elsewhere, for the purpose of executing and attempting to execute the aforementioned scheme and artifice to defraud, and to obtain money by means of false and fraudulent pretenses and representations, **DEFENDANT CEDRICK WILSON**, being aided and abetted by others known and unknown to the Grand Jury, did cause to be transmitted in interstate commerce by means of wire communications, certain signs, signals and sounds an internet registration on behalf of **DEFENDANT CEDRICK WILSON** for Physical Education: Content Knowledge and Physical Education: Movement Forms – Analysis and Design PRAXIS examinations to be taken on April 25, 2009 at Phillips Community College of the University of Arkansas, located in Helena, Arkansas, in violation of Title 18, United States Code, Section 1343.

### **COUNT 3**

1. The allegations contained in paragraphs 1(a) through and including 1(k), and paragraphs 3(a) through and including 3(g) of Count 1 of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

2. On or about April 25, 2009, in the Western District of Tennessee and elsewhere, **DEFENDANT CEDRICK WILSON**, being aided and abetted by others known and unknown to the Grand Jury, for the purpose of obtaining something of value and for other purposes, knowingly, willfully and with the intent to deceive, falsely and fraudulently represented, and caused to be represented that a test-taker taking a Physical Education: Content Knowledge PRAXIS examination on behalf of **DEFENDANT CEDRICK WILSON** possessed social security number xxx-xx-8466 when, in fact, this social security account number was assigned to **DEFENDANT CEDRICK WILSON**, in violation of Title 42, United States Code, Section 408(a)(7)(B).

### **COUNT 4**

1. The allegations contained in paragraphs 1(a) through and including 1(k), and paragraphs 3(a) through and including 3(g) of Count 1 of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

2. On or about April 25, 2009, in the Western District of Tennessee and elsewhere, **DEFENDANT CEDRICK WILSON**, being aided and abetted by others known and unknown to the Grand Jury, for the purpose of obtaining something of value and for other purposes, knowingly, willfully and with the intent to deceive, falsely and fraudulently represented, and caused to be represented that a test-taker taking a Physical Education: Movement Forms – Analysis and Design PRAXIS examination on behalf of **DEFENDANT CEDRICK WILSON** possessed social security number xxx-xx-8466 when, in fact, this social security account number was assigned to **DEFENDANT CEDRICK WILSON**, in violation of Title 42, United States Code, Section 408(a)(7)(B).

**A TRUE BILL:**

\_\_\_\_\_  
**FOR PERSON**

**DATE:**\_\_\_\_\_

\_\_\_\_\_  
**EDWARD L. STANTON III**  
**UNITED STATES ATTORNEY**